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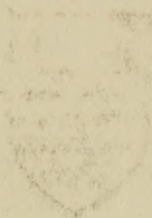


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# THE KING'S GOVERNMENT





# THE KING'S GOVERNMENT

A STUDY OF THE GROWTH OF THE  
CENTRAL ADMINISTRATION

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## INTRODUCTION

THE history of the Departments of Government, though inevitably affected at certain points by the main current of English history, provides nevertheless a subject not unsuitable for treatment by itself. Moreover, the light thus thrown from an angle, as it were, upon the main current illuminates it by emphasising certain tendencies of our constitutional history and the particular character of our national development.

For instance, the Government Departments kept in active operation almost to our own day the principle that officials charged with the work of government are personal servants of the King. Theoretically they are so now ; but until the end of the eighteenth century they received their pay as officials of the Royal Household ; their office premises were still considered to be "lodgings out of Court," for the convenience of business grown too large to be transacted with comfort under the Court roofs. The following pages will show how naturally and inevitably this had come about. Before a Parliament existed there had had to be an Administration ; and only the Royal Household could provide enough men to carry on the necessary operations, of receiving and checking the revenue, issuing commissions, registering fines and inquisitions, superintending the King's estates, and performing all the mechanical work of writing and sealing the various instruments by which the King's commands were conveyed. When Parlia-

ment came into being, it could not possibly have conceived of any mutual responsibility between itself and those employed in these tasks. Parliament was not concerned with government, but with the giving of advice, or the exercise of a certain control,—practically limited to a control of taxation, but occasionally exerted in other directions. The carrying out of commands, the enforcement of laws, devolved upon the King, and those whom the King might appoint. So clearly was this the case that, when first legislation began to be directed to the maintenance of a navy, there was no thought of providing for a staff of public servants to attend to naval requirements. What is true of the Navy under Richard II. is true of the Army under Charles II., and of the Secretaries throughout their development. Parliament had not had to face the beginning of the work of administration; and it never seemed to be aware of the steady growth of that work until it was forced to take account of it, at the end of the eighteenth century, by the incessant demand for more money for the revenue. The processes by which the House of Commons slowly obtained in practice the allegiance of Ministers, while repudiating in theory the slightest responsibility for them or their administrative existence, are dealt with in subsequent pages. It is sufficient to remark here that the clearness with which these facts come out in the course of investigating the history of our Departments is of no little assistance to our understanding of the famous struggle between George III. and his Ministers in the latter half of the eighteenth century. To modern generations, so accustomed to the association of Ministers with Parliamentary majorities that earlier conditions

have been forgotten, George III.'s insistence on his right to appoint his own Secretaries of State has the aspect of an ingenious attempt to turn a mere theory of our constitution into a political weapon. To come upon that struggle in an investigation of the growth of Government Departments is to realise that it arose when the day was hardly past in which a Secretary of State was as little under obligation to Parliament as the King's Private Secretary is to-day. And although, by the beginning of the nineteenth century, the position of Secretaries of State had become very much the same from a constitutional point of view as it is now, not until 1848 did the last trace of their earlier standing disappear. In that year Estimates for the salaries of the Civil Service were laid before Parliament; and the cost of civil government was entirely removed from the Consolidated funds. In other words, it became open to Parliament to survey every year the whole extent of the service.

Another point of general interest is that a study of this subject leads to the reflection that government, as a continuous operation bearing on the daily life of the ordinary inhabitant of these islands, is little more than a hundred years old. From this statement one must except, of course, the work of the Treasury; the collection and administration of the revenue has been a continuous operation longer than any other activity of official life. Apart from the revenue, however, there is something very incidental and, so to speak, fragmentary about the way in which matters of home administration appear in State records. So long as the King's peace was kept and the King's taxes paid, a Secretary of State



was mostly occupied, right up to the nineteenth century, in dealing with foreign affairs. As Sir William Anson has remarked: "The Secretaries of the eighteenth century represented the Foreign Office cut in two, with some miscellaneous business assigned to that portion which dealt with the Southern powers of Europe."<sup>1</sup> Legislation on certain domestic affairs can, of course, be found in the records of Parliament at every period of its existence. But it was always spasmodic legislation. Take, for example, the various statutes which were aimed at maintaining a moderate level of market prices for the consumer; the mere fact that these statutes appear so often shows that there was no real administration of them when passed. They became dead letters because there was no home government in our modern sense. A municipal corporation here and there might take action, or a private person might give information to the justices, and thus set in motion the statutes; but there was no organisation for carrying them into effect. A company of merchants wishing to trade together might obtain a Royal charter or Letters Patent, if they could bring sufficient influence to bear, or were inclined to pay a sufficient sum of money. But there was no legal machinery of easy and general application under which they could find authority for their corporate existence. Again, there was legislation on the subject of pauperism; but practically it amounted to very little save forbidding people to be poor. There are two main characteristics of domestic legislation before the nineteenth century. Either it was widely and vaguely repressive, like the early poor laws, and the laws against wholesale

<sup>1</sup> *Law and Custom of the Constitution*, vol. ii. pt. i. p. 164.

trading (forbidden because of the command it gave over prices charged to the consumer); or it was impossibly assertive, like the Elizabethan Statute of Labourers. In either case, the explanation to be offered is the same. There was no steady departmental administration of home affairs, and therefore, if Parliament had any considerable grievance or difficulty to face, the only method open to it was to pass a sweeping law and put within reach of the King's justice the processes which had caused the aggrieving circumstances to arise. Unless there was some such grievance, moreover, there was no occasion for domestic legislation.

Hence arises the further reflection that, whether or no the country is governed on a truly democratic basis, this change at least has come about since the Reform Bill—that government nowadays means an organisation for carrying on continuously all sorts of accommodations, conveniences, ameliorations of the daily life, the daily work and business of the public at large. The whole work of the Home Office, the Board of Trade, the Local Government Board, the Board of Agriculture, and the Board of Education, and much even of the work of the Colonial Office and the India Office is of this kind; and with the exception of so much of the duty of the Home Office as concerns prison administration, it may all be said to be work that never entered the purview of an official of the State a hundred years ago. Democracy may still be rather the theory than the fact of administration in Great Britain, but since the Reform Bill—if not because of it—the nation has taken to looking after its own well-being, and considers this activity an equal work of State with the direction

of foreign relations and the maintenance of armed forces.

It may be gathered from these observations that, strictly speaking, there are only two periods in the history of the Departments of Government, the division between them occurring at the time when the salaries of the Secretaries of State, the officials of the Treasury, the Privy Council, and the Committee of Council for Trade, together with the payment of the staffs of their offices, were placed before Parliament in Estimates, and no longer regarded, even formally, as part of the monies provided for the maintenance of Court officials. It will be more convenient, however, to take our subject in four main divisions :—

- i. From the Norman Conquest to the accession of Richard II., a period in which the departments were slowly forming themselves in the Royal Household, but with imperfectly defined duties, and little responsibility.
- ii. From 1377 to 1688, a period in which the increase of the royal power steadily gave importance and independence to the operations of the departments.
- iii. From 1688 to the end of the eighteenth century, the period in which the responsibility of Ministers of the Crown to Parliament was gradually enforced.
- iv. The reforms of the nineteenth century, which finally created a public Civil Service out of the old Civil Government grants to the Crown.

# THE KING'S GOVERNMENT

## CHAPTER I

### FIRST TRACES OF DEPARTMENTS : 1066-1377

THE many controversies as to the effect of the Norman Conquest upon the national life of England have at least this common ground—that, whatever of local organisation and customary law the new system may have absorbed rather than abolished, the centralising of government, which is of the essence of our subject, was a Norman principle. We are therefore not called upon to go back beyond the Conquest for our starting-point.

It has been held by a distinguished authority that the Curia of the Norman Kings, a "group of officials, the holders of the new political offices," is the germ from which have developed the Departments of Government.<sup>1</sup> But this is only true in so far as the official duties alone of some members of the Curia are regarded. The Curia soon became a kind of inner Council of State ; and it is not to a Council that we must look for the earliest appearance of our subject. The distinguishing mark of the modern system of government is that it consists in the conveyance of the King's commands by certain constitutional processes ;

<sup>1</sup> Anson, II. i. 12.

and that was never the duty of a Council. A Council might advise, might formally associate itself with acts, might initiate and even at a later period give orders; but it did not transmit orders. That duty fell upon certain officials, who were during a great part of our early history unimportant in standing, and indistinguishable, for a long time in fact, and for some time longer in theory, from the Crown itself. This difference of function is very much to our purpose, because the whole tendency of constitutional development in England has been towards fixing responsibility upon the Crown, and removing it from those who were found to be practically impossible to bring to book—the Lords of the Council. It is the history of departments, not the history of executive power, that concerns us; and we must not be misled by the consideration that the Ministers of to-day are the executive of Government. It is true that executive responsibility can be found to reside largely, during the Angevin, Plantagenet, and Tudor reigns, in the Lords of the Council, and cannot be traced in the duties of those whose official titles make them the forerunners of our modern Ministers. But the Lords of the Council lost power; and the fact that this ebbed from the Council's hands, and passed into another channel, implies that all the time there was developing, alongside the Council, a kind of functionary who was to be capable in due course of becoming the new channel of power.

This development may be seen from another point of view. If the Curia had been the true germ of our Departments we should expect to find them existing as appendages, first of the Curia, then of the Privy Council, and then of Committees of the Council.



Instead of that, we find them taking shape so distinctly clear of the Council that, as the latter weakens, the former grow more important. The very reason why Cabinet government was able to oust the Privy Council so quietly from its position, was that the executive machinery existed independently of the Council. When the nominal wielders of this machinery were men of force, the Council had no hold at all upon power. There will therefore be more profit than might at first sight appear in giving attention rather to the unimportant forerunners of modern Ministers than to the important people who exercised in earlier times so many of their functions.

### The Original Secretaryship

We find these minor functionaries existing first as subordinates of two of the great officers of the Norman system. The three great officers were the Justiciar, the Chancellor, and the Treasurer.<sup>1</sup> The duties of the Justiciar need not concern us much; for, since they consisted in representing the King when the latter was absent from the kingdom, or merely from a Council (or, as in the early years of Henry III., during a minority) they would not be likely to develop departmental activities different in kind from those developing under the Sovereign. The two other officers were the King's channels of action—the Chancellor in matters of general administration and justice, and the Treasurer in matters of finance. The Chancellor was

<sup>1</sup> Anson, II. i. 10.

the King's secretary, and as such held the Seal. He was in close personal attendance on the King, and was responsible for the form given to every act of the King that required to be recorded. From his duties most of the Departments of Government have issued ; but under the Norman Kings his work was too varied and too little organised to give us any definite starting-point.

### **The Exchequer, the First Department**

The Treasurer, on the other hand, is found from the earliest date in charge of a department. The revenue was a matter which had to receive continuous and organised supervision ; and was also a subject not needing detailed authorisations by the King. Machinery is therefore at once set up. At its head was the Court of the Exchequer of Account, consisting of the Chancellor, the Treasurer, and a board of great councillors, the Barons of the Exchequer. The actual receipt of revenue was in the hands of the Treasurer and the King's Chamberlain. It must be noted that for some centuries after the first organisation of government by the Normans it is impossible to trace any distinction between the King's use of money for what we should now call his Household, and what we should now call public administration. Government being but slowly divided into spheres, justice, patronage, naval and military affairs, foreign relations, were all subjects for clerks in the King's Household, who looked for their maintenance to the same paymasters as those

whom we should now call Household officials looked to. Hence the association of the King's Chamberlain with the Treasurer.

The revenue was so wholly in the King's hands that money was usually paid into the King's Chamber, and accumulated there under the charge of the Chamberlain and the Cofferer. But at the same time the Exchequer had an office of its own, a fact which emphasises its priority among the departments. Whether it was separately housed from the very first is uncertain; but since there is record, as early as 1155, of a payment for "repairing the house of the Exchequer,"<sup>1</sup> it is quite likely that the department was given an office at the time of its formation. It would consist of a house within the royal precincts at Westminster. The reason for allotting a permanent office would be, no doubt, that the collection of revenue called for regularity; and regularity would be impossible of attainment if the officials of the Exchequer moved about with the Court, like the other great officials. Moreover, in this sphere of government, earlier than in any other, papers would require to be preserved. The taxable capacity of all places in the kingdom would need to be kept on record; and the rolls of each year would be a check upon the payments of the next. Hence the Exchequer became the first depository of archives; and gradually came to serve for other documents than financial ones alone.<sup>2</sup>

<sup>1</sup> *Pipe Roll*, 31 Henry I., p. 4.

<sup>2</sup> See, e.g., the case of the Papal Bulls on p. 11. The preservation of *Domesday Book* may be advanced as an additional argument for believing that the Exchequer had an office from the beginning; it would have been less likely to survive in any other place than a permanent office.

We shall be somewhat hampered throughout the discussion of our subject by the fact that the service of the Crown was for so long regarded actually, and not merely in the formal sense of to-day, as the service of an individual. Its details are therefore involved in an obscurity only a little less dense than that surrounding the lives of private persons of the early stages of our history. The position of the Sovereign led naturally to a certain publicity in even his minor affairs, but it is largely on accidental references that we have to rely. There was no public service of government in the modern sense, and consequently no responsibility for making public the numbers, the salaries, the duties, of any of the officials of government. They were part of the establishment of a vast household. A nobleman of any importance would have his chamberlain, his esquires and gentlemen, his treasurer, his steward, his secretary. The Sovereign had these officials, with the difference that the estate they administered was the kingdom. But that was a difference in degree, not in kind ; and several hundred years were to elapse before it even began to be a difference in kind. For the early centuries after the Conquest we have a service quite as privately organised as that any great subject lord, managing what we should now regard as public affairs.

### **The King's Clerks, an Early Civil Service**

However, the difference in degree suffices to give us a starting-point. It is clear that the two principal

officials of the King—the Chancellor and the Treasurer—must have required a staff of clerks, and it would seem probable that from the first the position of these clerks approximated to that of an organised service. There certainly existed late in the twelfth century a class of men in the Royal Household who were described as “King’s clerks,” and were employed in various subordinate duties. They appear to have become by that time an established profession. In the *Pipe Roll* for 1189–90 is an entry of a payment of £55 by the Archdeacon and Provost of Beverley as a gift to the King “in order that they may be in the guardianship and protection of the King, like his royal clerks.”<sup>1</sup> This seems to argue that the clerks had a position of long standing and recognised privileges. It would, indeed, be no more than reasonable to suppose that they came into existence together with the great officers. The Chancellor and the Treasurer would at once require men to draw up and copy out documents for signature and sealing, and to keep the rolls of receipts and payments at the Exchequer. Now since these two officers, living and having their board at Court, were supplied with their attendants and servants from among the royal retinue, it is most likely that their clerks also were provided for them, and that the “King’s clerks” formed from the beginning a grade in the household of the Norman Kings. This arrangement would be advantageous to both sides. The Chancellor and the Treasurer would not be responsible for the support of the clerks they employed; and the clerks on their side would be free from anxiety as to the possible fall and dismissal of their superiors, and would have a fair expectation of continuous employment.

<sup>1</sup> *Pipe Roll*, 1 Richard I., p. 78.



But we have not to rely entirely upon suppositions for proof of the early existence of a grade of royal clerks. There are other evidences throughout the twelfth century, though of a rather fragmentary kind. Some, for instance, are provided by the signatures of witnesses to charters. Thus a charter of Henry I., of the year 1107 or 1108, bears the names of Richard de Capella and John of Bayeux.<sup>1</sup> Richard de Capella is said by Eadmer to have had charge of the Great Seal under the Chancellor,<sup>2</sup> which, as we shall see later,<sup>3</sup> was a duty allotted to responsible individuals among the royal clerks. John of Bayeux was a natural son of Odo, the Conqueror's half-brother; and the fact that he was a King's clerk<sup>4</sup> implies that this position was in some sense a privileged way of obtaining a livelihood. Other evidences can be found in the Exchequer Rolls. The clerks as a rule do not appear to have drawn any regular payment; their lodging and board at Court were the provision made for them, and for money they would seem to have depended on fees, as they did later. Now and then, however, as in the case of "Roger the clerk" in 1130-31,<sup>5</sup> and "Aimeric the clerk" in 1155,<sup>6</sup> payments are recorded in such context as to lead to the conclusion that the recipients were King's clerks.

There is also a curious entry in the earliest document of regulations for the Royal Household, which distinctly implies the existence of a staff of clerks under the Chancellor. This document is part of *The Black Book*

<sup>1</sup> *Pipe Roll Society Publications*, vol. x. p. 4.

<sup>2</sup> Eadmer (Rolls Series), p. 290.

<sup>3</sup> See, e.g., pp. 13, 16.

<sup>4</sup> See Mr. J. H. Round's notes to this charter in the *Pipe Roll* volume just quoted.

<sup>5</sup> *Pipe Roll*, 31 Henry I., edition of 1844, p. 150.

<sup>6</sup> *Ibid.*, 2 Henry II., edition of 1844, p. 114.

of the *Exchequer*, and would appear to belong to the reign of Henry II. It is a statement of the wages and diets allowed to various officials. The first official mentioned is the Chancellor, and immediately following him is "Magister Scriptorii," the Master of the Writing Room. Clearly this functionary must have been Head Clerk to the Chancellor, with a body of clerks working under his eye. He has tenpence a day, besides diet, the Chancellor's salary being five shillings a day.

This same entry contains a reference to one "Robertus de Sigillo,"—Robert of the Seal, who was apparently Magister Scriptorii at an earlier date. Such a description gives support to Eadmer's account of Richard de Capella.

For the most part the clerks in the early days would have been little more than scribes and copyists. But with the settlement of the kingdom and the spread of the King's justice, and the growth of the complicated system of pardons, protections, commissions, etc., by which the *Exchequer* was aided, the amount of writing to be done would increase, and at the same time formulas would expand and become elaborated. Since the position of a King's clerk, with its comparative security of livelihood and prospects of advancement, would naturally attract capable men, the increasing complication of business would fall into hands adequate to deal with it; and probably the tendency of certain necessary acts of government to become formalised would be actually hastened by the existence of this class of experienced clerks.

By the time that we have much documentary evidence of their duties, the capability of the clerks is obvious, from the nature of the work they could be called upon to undertake. They supplied some of

the earliest ambassadors ; it was a frequent occurrence for King's clerks to be entrusted with missions to foreign courts. One of the first references to the clerks in the Patent Rolls is in letters patent of 1218 granting a sum of twenty marks yearly to " our beloved and faithful clerk, Philip de Hadham ; " and he received this salary because he was engaged on the King's business at Rome.<sup>1</sup> Again, there were clerks as well as high officials at the court of the Exchequer of Account. In the *Dialogus de Scaccario* we find places allotted to the Chancellor's clerk, the clerk of the Chamberlain, and the Head Clerk of the Exchequer.

### Separation between Chancellorship and Secretaryship

But a more important fact is that by this time the staff of clerks was being drawn upon to fulfil duties which had originally been discharged by the Chancellor. He was becoming more and more occupied with the administration of justice, and could no longer act efficiently as the King's Secretary. At what period this began to happen cannot be definitely known ; it is not impossible, when we consider how much the Chancellor was responsible for, that from the very first he had had occasionally to be replaced by a clerk in attendance on the King. It is rather curious—and the fact has no little bearing on the development of our Constitution—that, as the Chancellor fell away

<sup>1</sup> *Cal. Pat. Rolls*, 1216–25, p. 154.

from secretarial duties, no one should have thought of these duties as constituting a new office of State. The explanation probably is that, justice being in the hands of the Chancellor and finance in those of the Treasurer, there was little else of continuous executive government (if the phrase be allowed) which would have offered any prospect of profit or power. The Barons and their fellows seemed to themselves, no doubt, to have a more valuable position as great Barons than they would have as officials of the Crown; to transmit the King's commands would have been work having little attraction for men who could modify those commands, or even dictate what they should be. Consequently those duties of the King's clerks, which were subsequently to undergo such astonishing development, make their first appearance very humbly, and with so little sign of change that it is extremely difficult to trace the beginnings.

There is a certain entry in the *Red Book of the Exchequer* which might be interpreted as an indication that as early as the reign of King John, a clerk was practically in the position of Secretary to the King. The entry is to the effect that in 1315 John de Sandale, Chancellor at that date, deposited in the Exchequer, for preservation among the archives, a number of Papal Bulls of the period of King John. There were twenty-four of them; and it is noted that "they were found among the memoranda of John Fraunceys, formerly a King's clerk."<sup>1</sup> The fact that a King's clerk had in his possession such a number of important documents, looks as if he must have been in some position of trust about the King's person, as a secretary would be. If he had been merely in attendance on

<sup>1</sup> *Red Book*, edited by Hubert Hall, p. 1642.

the Chancellor of the day, the Bulls would have been deposited in the proper place at the proper time.

Some support for the view that this is not too early a date for the beginnings of the office of Secretary, may be found in the existence, at "the very beginning of the thirteenth century,"<sup>1</sup> of a second seal. If this "lesser seal, in the shape of a Private or Secret Seal," had been found necessary, it may be assumed that the Great Seal and its keeper, the Chancellor, had become removed from immediate attendance on the King, and the conveyance of his will by them had stiffened into constitutional formality. Before long the Privy Seal in its turn was to be restricted in use by formalities; but at first it was most likely at the King's disposal entirely, representing his will in a personal rather than a constitutional sense; and the clerk in charge of it would therefore probably be in the position of a Secretary.<sup>2</sup>

By the date of the *Dialogus de Scaccario* there is a different kind of indication that something like a secretaryship may have been growing up. Among those mentioned as sitting in the Exchequer of Account are "quidam a rege missi." The rather casual nature of this phrase may fairly lead to the opinion that these were not persons of importance; and they may have been some of the King's clerks, sent by him as his secretaries to take part in the business. Another slight indication may be gathered from the fact that during Henry III.'s minority the Justiciar had a clerk

<sup>1</sup> Hall, *Formula Book of Diplomatic Documents*, p. 91.

<sup>2</sup> As late as 1391 a King's clerk was Keeper of the Privy Seal; see Hall, *op. cit.*, p. 105, quoting a Signet Letter addressed, "A nostre trescher clerck, Mestcr Edmond Stafford, Gardein de nostre Prive Seal."



attending on him in the capacity of secretary,<sup>1</sup> and was not dependent for that service on the Chancellor or clerks attending the Chancellor.

### The King's Secretary

Half-way through the thirteenth century we come upon definite evidence that the change had quietly taken place. The attendance of a clerk or clerks upon the King had so entirely replaced the old secretarial duties of the Chancellor that a new title appears. John Maunsell is described as "Secretarius noster," in the commission for negotiating an alliance with Spain in 1253; and again in 1254, when he is empowered as "Secretary" to give assent to the marriage of Prince Edward with Eleanor of Castille.<sup>2</sup> His position about the King is also seen in his being put in custody of the Great Seal in 1247 and 1249.<sup>3</sup> He may have been succeeded as Secretary by Henry de Wengham, who had custody of the Seal in 1255, and was one of the executors of Henry III.'s will.<sup>4</sup> In June 1258 these two are mentioned as members of the King's Council.<sup>5</sup> Moreover, the advancement they obtained, Maunsell as Chancellor of London and Provost of Beverley, and Wengham as Bishop of London, shows that the secretaryship was already a post not without distinction.

We must not, however, be misled by the use of the

<sup>1</sup> *Cal. Pat. Rolls*, 1216-25, p. 597.

<sup>2</sup> *Fædera*, i. i. 177, 185.

<sup>3</sup> *Nicolas, Obs.*, p. 11.

<sup>4</sup> *Fædera*, i. i. 213.

<sup>5</sup> *Cal. Pat. Rolls*, 1247-58, p. 637.

word "secretary" or the mention of the Council into thinking of the change that had taken place as a great one. For a hundred years or more after this date there is little virtue in the new title, and it is not always even used. No more had happened than that one of the clerks had been singled out by the King to be usually in attendance for writing documents and taking instructions. It is very doubtful if the post can be regarded as a distinct one at all. It was so easily abandoned when the King wanted a man to send on some special mission abroad or at home,<sup>1</sup> or when the Secretary himself saw a tempting opportunity of Church preferment, that we are prevented from thinking of the office as a fixed one. It would seem that the King merely found it more convenient (as he naturally would) to be in the habit of employing as a rule one particular member of his staff of clerks; but, if he needed that clerk for other work, he fell back on another for the writing duties.

In the reign of Edward I. there is again a King's clerk who is referred to as Secretary and a member of the Council. He was Francis Accursii, "Consiliarius Familiaris et Secretarius noster."<sup>2</sup> A man of distinction in learning, Doctor of Civil Law, and formerly a student at the University of Bologna, he received a grant of forty marks yearly at the Exchequer "in consideration of his past services and of future services which he has bound himself to do."<sup>3</sup> He, like Maunsell, acted as an ambassador; in 1275 he is proctor for

<sup>1</sup> Maunsell, besides the commissions already noted, had one in 1257 as justiciar for the city of London on one of the occasions when London was "taken into the King's hand" by suspension of the mayor and sheriffs (Sharpe, *London and the Kingdom*, I. 90).

<sup>2</sup> *Fœdera*, I. ii. 173.

<sup>3</sup> *Cal. Pat. Rolls*, 1272-81, p. 460.

the King at the Court of France in some business then pending ;<sup>1</sup> and in 1278 he goes to Rome with another man on the King's affairs.<sup>2</sup> His forty marks yearly was evidently the formal salary, for in 1279 it appears that he was in receipt of a sum of more than £100 for "his maintenance in the King's service."<sup>3</sup>

Two of Accursii's successors were John de Vescy and Antony Bek, who are referred to in a charter of Edward II. as "Domini Regis patris nostri Secretarios."<sup>4</sup> It is not quite clear from this phrase whether they were Secretaries together, or in succession ; but it is not unlikely that they acted together. The office was comparatively so unimportant in standing, and yet at times no doubt so pressed with work, that two of the clerks may have shared the duties. On the other hand it may be remarked that the name of de Vescy—the first name of a man of family that we meet in the list of Secretaries—suggests that the office, however uncertain in standing, was not without possibilities of dignity. The description of another of Accursii's successors, John de Benstede, as "*ipsius Domini Regis Secretarius*,"<sup>5</sup> also suggests that the office was regarded as a confidential one.

### Duties and Emoluments of King's Clerks

At this same period we begin to have a clearer view of the extent to which the grade of King's clerks was

<sup>1</sup> *Cal. Pat. Rolls*, 1272-81, p. 94.

<sup>2</sup> *Ibid.*, p. 374.

<sup>3</sup> *Ibid.*, I. iii. 216.

<sup>4</sup> *Ibid.*, p. 278.

<sup>5</sup> *Fœdera*, I. ii. 208.

drawn upon as a kind of Civil Service. Thus in 1275 "Master Thomas Bek, King's clerk," is Keeper of the Wardrobe, and as such has control of certain expenses of the Household.<sup>1</sup> Again, Master W. de Perton, King's clerk, is clearly in the position of a modern President of the Board of Works; he has a writ of aid in 1277 for going to the counties of Lincoln and Leicester to obtain with the counsel of the sheriffs as many masons and carpenters as he can get, and to conduct them whither he has been enjoined.<sup>2</sup> Another interesting development may be seen foreshadowed in the position of John de Kirkeby, also a King's clerk. In 1276, and in various later years, he received the Great Seal, on the Chancellor's going out of the kingdom;<sup>3</sup> but he is nowhere described, like Maunsell, as the King's Secretary. The Seal was deposited under Kirkeby's own seal at the Wardrobe,<sup>4</sup> and on the return of the King and Chancellor from abroad in 1279 Kirkeby and Bek, Keeper of the Wardrobe, deliver the Seal to the Chancellor.<sup>5</sup> It is probable that in Kirkeby we have the first approach to the position of Clerk of the Crown, who remains to this day the chief official of the Lord Chancellor. He appears in these instances to be rather acting for the Chancellor than for the King; and this is supported by other references to him. Thus he goes on commissions of oyer and terminer;<sup>6</sup> he inquires into petitions for pardons,<sup>7</sup> a duty especially devolving upon the Chancellor, and the origin of the Chancellor's supremacy to-day in Equity; and agreements for the alienation of land are entered

<sup>1</sup> *Cal. Pat. Rolls*, 1272-81, pp. 99, 280.

<sup>2</sup> *Ibid.*, p. 213.

<sup>4</sup> *Ibid.*, p. 259.

<sup>6</sup> *Ibid.*, pp. 181, 433, etc.

<sup>3</sup> *Ibid.*, p. 136.

<sup>5</sup> *Ibid.*, p. 316.

<sup>7</sup> *Ibid.*, p. 328.

into before him.<sup>1</sup> It is dangerous at this early date to be too ready to formalise the positions of King's clerks; they seem, for instance, to have been sent somewhat indiscriminately on judicial commissions; but taking Kirkeby's duties together we may allow ourselves to detect the first crystallising of a distinct office.

With the reign of Edward II. we get some light upon the way in which the increasing staff of King's clerks was provided for. Being generally men of good education but modest origins, they would be for the most part in Orders; and the Patent Rolls of this period contain numerous grants to King's clerks of Church preferments, such as prebends, and deaneries.<sup>2</sup> At the same time the system of fees would provide for many clerks in the more legal parts of the business of government; a grant for life of the office of chirographer before the Justices of the Bench was evidently a valuable grant, and, as it is not accompanied by any warrant to the Exchequer, it is to be supposed that its value resided in the fees.<sup>3</sup> So would the value of the office of Keeper of the Hanaper of the Chancery; and that of the recognisance of debts for a port town.<sup>4</sup> Again, one of the King's clerks is appointed "escheator on this side Trent."<sup>5</sup> The Keeper of the Wardrobe is still a King's clerk, and he has other King's clerks as clerks in his department.<sup>6</sup> Some King's clerks are

<sup>1</sup> *Cal. Pat. Rolls*, 1272-81, p. 266.

<sup>2</sup> e.g. *Ibid.*, pp. 375, 114, 534, etc.

<sup>3</sup> *Ibid.*, 1313-17, p. 14. The duties of the chirographer were the making out and engrossing of the indentures or chirographs of fines; see *Report from Select Committee on Sinicure Offices* (1834), Appendix, p. 8.

<sup>4</sup> *Ibid.*, p. 1.

<sup>5</sup> *Ibid.*, p. 647.

<sup>6</sup> *Ibid.*, pp. 348, 306.



specifically described during this reign as "members of the King's Household";<sup>1</sup> this may perhaps mean that those of the clerks who were not attached to any office from which they derived fees received maintenance at Court under this description.

The office of King's Secretary under Edward II. presents some puzzling aspects. It might, as we have seen in the case of Francis Accursii, and that of John Maunsell, be associated with the work of an Envoy. But for some time to come the post, merely as a post, is obviously a minor one at Court. Thus William de Melton, who had been King's Secretary in 1308, has become Keeper of the Wardrobe in 1315.<sup>2</sup> On the other hand, the rank of King's clerk might lead to the highest offices. John de Sandale, King's clerk, was Chancellor in 1314, and at the same time was acting as Treasurer.<sup>3</sup> Yet even in such a document as an indemnity for a bond for repayment of a loan to the King, in which he appears with great lords like Aymer de Valence and Hugh le Despenser, the description "King's clerk" is all that is attached to his name.<sup>4</sup> Moreover, the personal seal of a King's clerk had validity; we have seen the Great Seal deposited under the seal of one of them; and money could be drawn from the Exchequer for officials on the King's business on the authority of a Bill of the Wardrobe sealed with the seal of the King's clerk who was Keeper of the Wardrobe.<sup>5</sup>

It would seem, from certain forms observed in the Patent Rolls of this reign, that a further step in the coping with public business was being taken by the

<sup>1</sup> *Cal. Pat. Rolls*, 1313-17, pp. 163, 170, etc.

<sup>2</sup> *Ibid.*, p. 209.

<sup>3</sup> *Ibid.*, pp. 114, 209, 333.

<sup>4</sup> *Ibid.*, p. 102.

<sup>5</sup> *Ibid.*, p. 45.

beginning of a sort of countersigning of the Royal Sign Manual by the clerks. At least, that is a permissible way of regarding the issue of warrants, grants, etc., "by the King on the information of" one of the King's clerks. There is the more justification for regarding this as a sort of countersigning, when it is observed that only a very small number of the clerks' names appear in this way, and the same ones appear over and over again. Before the middle of the next reign it is even possible to discern that these clerks had more or less regular spheres of duties. Thus we find the business of the King's works, the mustering of workmen, etc., usually "on the information of John de Bello Campo"; preferments in the Church, licenses in mortmain, etc., usually "on the information of Thomas de Brembre"; legal commissions, pardons, etc., usually "on the information of Richard de Norwico." The spheres are not quite distinct; but there is enough regularity to make the exceptions noticeable.

### Chancery finally Separated

Meanwhile the Chancellor's functions had been departing finally from the secretarial duties which had originally belonged to his position. Under Edward III. we find the Chancery a fully-grown judicial department. The staff are still described as "King's clerks"; but from the peculiarly precise nature of the references to them—"the King's clerks in the Chancery of England of the first (or the second) form,"<sup>1</sup>—as well

<sup>1</sup> *Cal. Pat. Rolls*, 1354-58, p. 432.

as from the work in which they are engaged and the appointments they usually receive, it is fairly clear that by this time the clerks of the Chancery formed a separate, self-contained body. They had ceased to be reckoned with the general Household, and were provided for in "the expenses of the household of the Chancery."<sup>1</sup> Before long their severance from executive functions is further emphasised by the description of them no longer as "King's clerks" but as "clerks of the Crown in Chancery";<sup>2</sup> and the duties and emoluments of the chief among them were specifically defined. We may from this point regard their situation as belonging rather to the history of the Judicature than to that of Government Departments in the usual sense.

### The Exchequer completely Departmentalised

In another direction also the change in the duties of the Chancellor had had its effect. It tended to departmentalise the Exchequer. The Chancellor no longer sat in the Exchequer of Account;<sup>3</sup> and, as the office of Justiciar had disappeared, the Treasurer remained the only one of the three great Norman officials who still performed duties at the Exchequer. In other words, the department is left to its proper head. It is true that the Board (if we may so describe it) of great Councillors, the Barons of the Exchequer, still survived. But on their side also changes were

<sup>1</sup> *Cal. Pat. Rolls*, 1354-58, p. 357.

<sup>2</sup> *Ibid.*, 1413-16, p. 12.

<sup>3</sup> Anson, II. i. 174.

taking place, and their relation to the department was being relaxed. It may be said in general of this period that jurisdiction was a more profitable source of fees than administration, and was also on the whole a more gratifying exercise of power. Now the Barons of the Exchequer had necessarily had juridical functions for the trying of revenue cases; and they preferred this side of their duties to that which concerned the auditing of accounts. By ingenious extensions of its functions the Court of Exchequer had enough business to transact to make the Barons law officers, rather than Treasury officials, and the business of the Treasury fell from this time onwards into what might be called strictly departmental hands.

The change is marked by the promulgation in 1328 of *The Ordinance of the Exchequer*.<sup>1</sup> A piece of reorganisation and regulation of this magnitude implies that a new state of affairs had arisen, demanding new machinery. In several branches an increase of the number of clerks is ordered; special clerks are to be appointed to superintend the sections of the department which dealt with fines, with forfeited lands, etc.; and in all branches minute instructions are laid down for the conduct of revenue business.<sup>2</sup> The natural deduction is that the King felt some necessity for replacing the control of the Chancellor and Barons by setting up an automatic system. As long as the Sovereign had representatives at the Exchequer who

<sup>1</sup> *Red Book of the Exchequer*, p. 848.

<sup>2</sup> One of the regulations, forbidding clerks of the Exchequer to act as attorneys in any plea, may be noted for two reasons. First, it supports the view expressed above that judicial business in connection with the revenue offered a considerable source of money-making; and secondly, this regulation would further the severance between the executive department and its judicial excrescence.

were there not primarily for financial purposes, but for purposes of general policy, he could, so to speak, overlook the various processes. But when those representatives ceased, in different degrees, to be active in finance, confidence in the Exchequer could only be secured by making sure that it was working on stipulated lines. This is especially seen in the provision for audit. "Four sufficient men with their clerks" were to be appointed under one of the Barons of the Exchequer to audit the accounts of the various persons, such as the Keeper of the Wardrobe, the Chamberlain, etc., who had the power of issuing warrants for payments from the Exchequer. It is also seen in the rule that the Chancellor of the Exchequer by his clerks is to make counter-rolls of the expenditure. The mention of the Chancellor of the Exchequer at this date shows that the department already had a separate seal, since the Chancellor was appointed to control the use of the seal.<sup>1</sup> This is one more sign of the complete severance of the Lord Chancellor from the Department.

### First Civil Officials for the Armed Forces

We have thus arrived at a stage at which it is possible to trace fairly clearly the outlines of two purely official departments of government—the Secretaryship and the Treasury. We may now add the first signs

<sup>1</sup> Anson (II. i. 174) dates this change at the end of the fourteenth century; but it is clear from the *Ordinance* that it must be placed as early as 1328.



of two more of capital importance—the permanent civil staffs of the armed forces of the Crown. Under Edward III. appear a “clerk of the ships, galleys, barges, balingers, and other the King’s vessels”;<sup>1</sup> and a “clerk of the Wardrobe, of armour, shot, gunpowder, etc.”<sup>2</sup> These are the two officials who are to develop into the Comptroller of the Navy and the Master-General of the Ordnance, and ultimately into the Admiralty and the War Office. Their titles show that they were both drawn from the ordinary staff of King’s clerks, merely taking over certain special duties, as the King’s Secretary had done.

It has, of course, to be remembered that there was no such thing as a standing army or armed naval force. The army was raised as it was required by feudal service, and later by musters under Commissions of Array for each county; and the armed naval force was a proportion of these musters put on board ship.<sup>3</sup> The upkeep of the King’s castles fell originally on the feudal lords, and, later, on the different localities, which were not infrequently glad, for their own sake, to keep such defences in repair. But it is obvious that, although the *personnel* could thus be provided as need arose, and the fortresses kept ready, yet cannon must have had to be kept and accounted for, some store of powder and shot accumulated, and armour held in store. One of the King’s clerks would come in time to make tally of such munitions; and as possessions of the King’s they would come under

<sup>1</sup> Nicolas, *Royal Navy*, vol. II., Appendix, p. 475.

<sup>2</sup> *Ibid.*, p. 478.

<sup>3</sup> As late as the reign of Henry VIII., the navy was generally called “the ships in the King’s Majesty’s army on the sea.”

the general head of the Wardrobe.<sup>1</sup> Hence the appointment of a clerk of the Wardrobe to take charge of these matters.

In the case of the navy, although the *personnel* was equally provided as need arose, and even ships were collected in an emergency by a sort of impressment of vessels in or near the ports, and although the provision of guns and ammunition did not need to be made separately for the navy, yet there would be stores of rope, sails, etc., to be accumulated for repairing damaged ships. Moreover, since ships were less stable than fortresses, it would be desirable to keep a few with their sailing complements in commission. Hence the necessity for the appointment of a Clerk of the Ships. From the time of Richard II. there was a statute, constantly renewed, allotting certain dues on foreign wines, woad for dyeing, etc., to the maintenance of a navy—the first specific appropriation of national revenues. This would be principally for acquiring ships and fitting them out. The wages of crews appear in Wardrobe accounts;<sup>2</sup> and special rewards (such as Henry V. gave to the masters of his ships) were paid at the Exchequer by warrants under the Great Seal.<sup>3</sup>

<sup>1</sup> One of the items in an account rendered by John de Sleaford, clerk of the Wardrobe in 1372, runs: "Found in the said private wardrobe of the king, two great guns of copper" (Nicolas, *Royal Navy*, II., Appendix, p. 477).

<sup>2</sup> Nicolas, *Royal Navy*, II., Appendix, p. 475.

<sup>3</sup> *Ibid.*, p. 514.

## CHAPTER II

### THE RISE OF THE SECRETARIES : 1377-1688

THE importance of the next three hundred years in constitutional history is reflected in the changing status of the King's Secretary. Firstly, he ceases to be entirely a private servant of the King ; as the Crown increased its prerogative after the weakening of the great lords in the Wars of the Roses, the Secretary is brought within range of the perpetual watchfulness of the Commons, and from the occasional charges against holders of the office it is clear that they were in a position which enabled them to take part in political movements, and to be of value to the plotters of such movements. Secondly, the Secretary has in his possession an instrument of power, the Signet ; and the prescribing of formalities for the use of it show that the power was not unimportant. Finally, he ceases to be a mere clerk ; the standing and character of the men who held the office undergo a gradual and profound change.

The change, indeed, is not steadily progressive. We are apt to find the secretaryship in one reign a post for which a man of ambition thought it worth while to surrender other appointments ; and in another reign to come upon details which give it a humbler position. The general tendency, however, is towards a greater dignity in the office.

### The Signet

The reign of Richard II. makes a convenient starting-point for this stage of our inquiry. It appears to be the first reign in which the use of the Signet becomes at all frequent or important. This may well be because by this time the Commons had had sufficient experience of the use of the Privy Seal for interference with the course of law to cause them to devise regulations for its employment.<sup>1</sup> The Privy Seal being on this account removed from the King's absolute disposal, as the Great Seal previously had been, the Signet became the King's first-hand medium of indicating his pleasure ; and as it was in the keeping of the Secretary, an ambitious man might easily see opportunities inherent in its guardianship. The opportunities would be both legitimate and illegitimate. As early as 1391 the Signet was a recognised means of setting in motion the Privy Seal, and thereby the Great Seal, for letters patent ; and it would also seem to have been an effective means of drawing money from the Exchequer.<sup>2</sup> The illegitimate opportunities can be most easily inferred from the fact that before the middle of the fifteenth century the Signet was brought under regulation.

At first, however, its importance was not understood ; and the struggles between Richard II. and the Commons with regard to the appointment of Ministers of the Crown did not include the Secretary.

<sup>1</sup> Anson, II. i. 157.

<sup>2</sup> Hall, *Formula Book of Dipl. Doc.*, pp. 97, 105.

The Chancellor, the Privy Seal, and the Treasurer were the officials whose nomination the Commons wished to have the power of sanctioning. The Secretaries of this reign appear to have been men of the type of their predecessors, and to have followed much the same course of progress. Thus Robert Braybroke, Secretary in 1379, passed on, like John de Sandale, to be Chancellor; and finally to Church preferment.<sup>1</sup> John Bacun, who was Secretary in 1384, had begun as a King's clerk, risen to be Keeper of the Jewels, and then Chamberlain of the Exchequer;<sup>2</sup> and it is interesting that he thought it good to leave this post (which must have involved some profitable fees) for the Secretaryship. Yet here again, as in the case of John de Sandale, the title seems to have been as yet of small account; Bacun is sometimes described, while holding the Secretaryship, merely as "King's clerk."<sup>3</sup>

During the next two reigns the only apparent change is that the Secretaries begin to be associated with the Privy Council. Under Henry IV. a Secretary, John Prophete, was a Privy Councillor at the time of his appointment.<sup>4</sup> Under Henry V. William Alnewick, the Secretary, was present in the Privy Council, apparently by virtue of his office, not having been previously a member of the Council.<sup>5</sup>

The reign of Henry VI. offers more subject for

<sup>1</sup> Nicolas, *Obs.*, p. 14. Nearly three hundred years later Pepys set eyes on this Secretary. In the Great Fire of London Braybroke's body (he had been Bishop of London) fell out of its sepulchre in St. Paul's Cathedral into St. Faith's Chapel, and there Pepys saw it, looking like a brown mummy; "a great man in his time," he remarks (Pepys's *Diary*, Nov. 12, 1666).

<sup>2</sup> *Cal. Pat. Rolls*, 1381-85, p. 517.

<sup>3</sup> *Ibid.*, p. 440.

<sup>4</sup> *Proc. P. C.*, ii. 78.

<sup>5</sup> *Ibid.*, ii. 315.



comment. To begin with, we have the first instance of a second Secretary being appointed.<sup>1</sup> He was required for dealing with French business. John Rynel held the post in 1433 (the earliest mention of it), and Gervais de Vulre, or Volore, some years later.<sup>2</sup>

Again, from what we know of William Beckington, who was Secretary about 1439, the post is clearly becoming more dignified. In his journal of the embassy treating for peace with France, he is seen taking his full share of the negotiations ; and it is also interesting to see that his title is more uniformly employed, and therefore presumably more honourable. He refers to himself as "Bekynton, Secretarius," as if the description were fully as important as his temporary standing in the embassy.<sup>3</sup>

### The Secretaries in Politics

Further, during this reign we have the first clear instances of political influence being attached to the Secretaryship. In 1432 the Duke of Gloucester's dismissal of royal officials included the Secretary, with the Chamberlain, the Steward, the Dean of the Chapel, and the Almoner.<sup>4</sup> It is worth noting that the Signet was dealt with ceremoniously. It was sealed up in a bag under Gloucester's seal and delivered to the Treasurer of the Exchequer. Again, in 1451 Gervais de Volore is included among those, headed by

<sup>1</sup> *Proc. P. C.*, iv. 187.

<sup>2</sup> *Ibid.*, v. 335.

<sup>3</sup> See *Beckington's Journal*, published by The Camden Society.

<sup>4</sup> *Proc. P. C.*, iv. 110.

the Duke of Somerset and Alice Pole, Duchess of Suffolk, who were impeached by the Commons in a petition to the King for "misbehavyng about your royall persone, by whose undue means your possessions have been greatly amenused, your lawes not executed, and the peas of this your Realm not preserved nother kept."<sup>1</sup> Another of Henry VI.'s Secretaries, Thomas Mannyng, was in the long list of those adherents of Henry who were attainted of high treason after the accession of Edward IV.<sup>2</sup>

Equally significant of the rise in the status of the Secretary is the higher position he begins to take in the Royal Household. Under Edward III. he ranked with the clerks of the Privy Seal;<sup>3</sup> and a hundred years later, in Henry VI.'s *Ordinances for the Royal Household*, he remains in much the same place, being placed after the Physician in the provision for his maintenance; and he and his two clerks are allowed only two yeomen to attend them.<sup>4</sup> Still, with two clerks under him, the Secretary was considerably in advance of his early status as merely one of the clerks himself.

### The Secretary's Department

Under Edward IV. the Secretary's establishment, both in size and in precedence, is seen to have made a notable advance. The Secretary is ranked next to

<sup>1</sup> *Parlt. Rolls*, v. 216.

<sup>2</sup> *Proc. P. C.*, vi. 361; *Parlt. Rolls*, v. 477.

<sup>3</sup> Nicolas, *Obs.*, p. 13.

<sup>4</sup> *Proc. P. C.*, vi. 223.

the Knights of the Household, and before the Chaplains. The passage dealing with him and his staff in the *Liber Niger* is worth remark, because it shows us distinctly the circumstances of the Secretary at this date. He has by now four clerks, and "sufficient writers of the King's Signet," the clerks presumably being drawn from the general body of "King's clerks" and having some responsibility, while the "writers" would be mere copyists. The Secretary has further "a gentleman to attend on him," and he "hath into this court three persons wayters on him for all that office."<sup>1</sup> He did his work in the Court premises "in the King's chamber or hall." He had, like other officers of state, his appointed diet at Court—"three loaves, two messes of great meat, half a pitcher of wine and two gallons of ale"; and he had "one torch, one percher, two candels wax, three candels peris' in the winter season and three tallwood rushes and litter." Parchment, paper, and red wax were supplied to him by the office of the great spicery.

It will be observed that in this passage the Secretary's establishment has twice the number of clerks it had in the previous reign. The work of the Secretary has, in fact, grown so extensive that the second Secretary, though nominally still Secretary for France, is practically sharing the general duties. Edward Hatclyffe was Secretary in 1464, "our Secretary and Councillor"; and Oliver King was "the King's first and principal Secretary in the French language." But it was particularly arranged that King was to receive all kinds of bills and warrants whatsoever

<sup>1</sup> It may be added that he was a person of sufficient consequence to be exempted from the regulations of the Sumptuary Law of 1482, so far as concerned the wearing of cloth and fur.

addressed to the Chancellor or to the Privy Seal, together with all letters as well in Latin as in English, and to receive the accustomed fees.<sup>1</sup> As yet there is but one Signet ; King was to have custody of it when Hatclyffe was absent. Since the delivery of the Signet was the only formality of the appointment of the Secretary (he was in any case in the Crown employ as a " King's clerk ") the second Secretary was appointed by patent.<sup>2</sup> That such an instrument was considered necessary is one more proof that the secretaryship had taken a long step away from the mere clerkship, from which in earlier centuries it was hardly to be distinguished. We are, in fact, reaching the end of the period during which the Secretary was only the chief of the grade of King's clerks ; and approaching that in which the office is a distinction coveted by men of rank and men of genius.

A clear sign of change is the carrying over of the secretaryship from one reign to another. Thus Oliver King was Secretary again under Henry VII. ; and a later Secretary of Henry VII., Dr. Rout-hale, Bishop of Durham, continued his duties under Henry VIII.<sup>3</sup> It must be concluded that the office was beginning to have an importance of its own.

### Secretaries given Duties in Parliament

The reign of Henry VIII. is a very striking epoch in the history of government departments. In every

<sup>1</sup> *Fœdera*, v. iii. 69.

<sup>2</sup> Nicolas, *Obs.*, p. 28.

<sup>3</sup> *Ibid.*, p. 30.

direction the administrative official becomes more firmly established, his work more highly organised. Since the officials of Government were the King's officials, it is a natural consequence of their higher development that the mainsprings of the machine should be the King's Treasurer and the King's Secretary.

In a broad way the immense difference in the position of the Secretary can be gauged by the fact that Thomas Cromwell rose to power by means of the secretaryship. In a lesser degree it can be seen in the security with which a Secretary could remonstrate with no less a person than Cardinal Wolsey. Dr. Pace, one of the Secretaries with Cromwell, writes to Wolsey to complain of an irregularity by which a document had been communicated by the Lord Mayor of London directly to Wolsey, instead of being sent to the Secretary, who would then communicate it, together with the King's pleasure thereon, to Wolsey.<sup>1</sup>

More important, however, is the direct evidence of the Statute regulating precedence, passed in 1539. Here the Secretary is given definite duties of attendance in Parliament. The sixth clause of that Statute provides that the King's chief Secretary, if a Baron of Parliament, shall sit before and above all other Barons, and if a Bishop, before and above all other Bishops. But it further provides that "if any person or persons which at any time hereafter shall happen to have any of the said offices of Lord Chancellor, Lord Treasurer, Lord President of the King's Council, Lord Privy Seal, or Chief Secretary, shall be under the degree of a Baron of Parliament, by reason whereof they can have no interest to give any assent or dissent

<sup>1</sup> Nicolas, *Obs.*, p. 31.



in the said House, that then in every such case such of them as shall happen to be under the said degree of a Baron shall sit and be placed at the uppermost part of the sacks in the midst of the said Parliament chamber.”<sup>1</sup> The first point to notice in this passage is that the Secretary has risen to be ranked with four of the greatest officers of State. The second is that his work is now of such importance that he is to sit in the House of Lords, even if he is not a member of the House. This comes out still more specifically in regulations of a few years later. It was ordained by these that when the King or the Speaker was present in the House of Lords, both of the Secretaries were to be on the wooolsacks; on other days they were to sit alternately, week by week, one in the House of Lords and one in the House of Commons; but if important matters were before the Commons, both might be sitting there.

It is hardly necessary to speculate<sup>2</sup> whether it was contemplated, in these arrangements, that the Secretaries should not sit in the Commons unless they happened to have membership of that House. For from this time onwards the Secretaries are men of such standing that they would be more likely than not to be members of the House of Commons, unless they were members of the House of Lords. Thomas Cromwell, Wriothesley, Paget, Petre, Walsingham, Davison, Herbert, Cecil, Coke, Calvert, Conway, Windebank, Vane, Digby, Falkland, Arlington, Morrice, Trevor, Coventry, Sunderland, Leolin Jenkin, and Godolphin—these are names of Secretaries between the accession of Henry VIII. and the Revolution; and they may

<sup>1</sup> 31 Henry VIII., c. 10.

<sup>2</sup> As Nicolas does in his *Observations*, p. 36.

serve to show what kind of office the secretaryship had become.

### Causes of the Secretaries' Advancement

How, it should be asked at this point, had such a change come about? Firstly, the Council, owing to the weakening of the great lords in the previous century, had become, though still nominally a check upon the Crown, in reality an "administrative machine of vast power, entirely in the hands of the Crown."<sup>1</sup> Secondly, the struggles of the House of Commons for the liberty of the subject had very largely taken the form of restrictions upon the use of the seals and regulations for the authentication of the Royal Sign Manual. Thirdly (though this is a point that has more force in the later part of the period now under discussion), the anxiety of the Commons being rather to keep the Crown from illegal taxation than to criticise the expenditure of the lawful revenue, a body of officials, rendered necessary by the increasing organisation of government, grew up dependent on the Royal will; and the most intimate channel of that will found the threads in his hands multiplying.

Let us take these points in more detail.

#### *I. The Weakening of the Council*

It is at this stage that the importance of avoiding the mistake of deriving the departments of Government

<sup>1</sup> Anson, II. i. 24.

from the Curia begins to weigh heavily. The fact that the officials of State were not servants of the Council made all the difference to their position now. They were servants of the Crown. Acting in that capacity as intermediaries between the Crown and the Council, they came to the Council with messages of a certain command, but took from it messages that could only be in the main of advice. How rapidly this process began to take effect may be seen by the attitude of the Secretaries after the death of Henry VIII. When we find Sir William Petre, one of the Secretaries, producing, at the accession of Edward VI., "orders and regulations for the despatch of public business and for matters to be brought before the King and Council,"<sup>1</sup> we see already existing a power of initiation of policy which might, either under an inactive King, or by the increase of work beyond what even the most energetic King could deal with, become an avenue to executive control. That the Secretaries were acting as more than mere members of the Council is also implied in the fact that Paget, the other Secretary, was almost at the same moment defending himself against a charge of "over-assumption of power"; and shortly afterwards he takes upon himself to remonstrate with the Protector Somerset on his manner in Council, and to complain of his system of government.<sup>2</sup>

If, on the one side, the Secretaries reached to power by being something more than mere members of the Council, yet the fact that they *were* members of it had very great results. The "administrative machine" was to such an extent in the hands of Henry VIII. that it hardly mattered what individuals of its com-

<sup>1</sup> *Cal. St. Pap. Dom.*, 1547-80, p. 2.

<sup>2</sup> *Ibid.*, 1547-80, pp. 2, 10, 19.

position were or were not present. Hence we actually find executive orders of the Council signed by the Lord Chancellor and the two Secretaries alone. There could be no clearer indication of the direction which the responsibilities of government were taking. It may be true that any effectiveness in such orders lay in those who signed being members of the Council ; but it is equally true that the reality of their power lay in their being the Secretaries, since such acts were not genuinely acts of the Council at all.

## II. *The Regulation of the Signet*

This point is interesting, because it puts us upon the track that is to end in the Parliamentary responsibility of Ministers of the Crown. The first regulations for the seals which concern the Secretaries are of the year 1443. It was then ordered, as a precaution against interference by the Crown with the course of law, that in the granting of petitions, bills, etc., when the King made any such grant it was to be delivered to his Secretary, who was to prepare letters for carrying it into effect, sealed with the King's Signet, and addressed to the Keeper of the Privy Seal, from whom they were to pass to the Chancellor as authority for the use of the Great Seal.<sup>1</sup> From further regulations made by statute in the reign of Henry VIII.<sup>2</sup> we perceive, not only the growing constitutional importance of the Secretary's office, but, incidentally, the size to which it had already grown as a department, and something of its practical organisation. Thus the preamble recites : " The King's clerks of his

<sup>1</sup> Nicolas, p. 1.

<sup>2</sup> 27 Henry VIII., c. 11.



Grace's signet and privy seal, giving their daily attendance for the passing and writing of his Majesty's great and weighty affairs . . . having for their entertainment and their clerks no fees or wages certain for those offices, other than such fees as cometh and groweth out of the said signet and privy seal." The wording of this shows (i.) that the order of King's clerks still survived, apart from the clerks of the Crown in Chancery ; but it survived as a superior rank, there being also simple " clerks "—no doubt the " sufficient writers of the King's Signet " mentioned in the reign of Edward IV. ;<sup>1</sup> (ii.) that the staff of these second-grade clerks was not provided for officially, but the Secretary or Lord Privy Seal had to appoint and pay them ; (iii.) that the Signet was now of at least equal importance with the Privy Seal, being in fact mentioned before it ; an indication of the decline of the latter into a merely intermediary position is given by the fact that for some time Cromwell appears to have held both offices together.<sup>2</sup> After this preamble the statute orders that " any gift grant and other writing signed with the royal sign manual shall be in any wise first and before the same grant be passed under any of the King's said seals or other process made of the same brought and delivered to the King's principal Secretary or to one of the King's clerks of his Grace's signet for the time being, to be at the said office of the Signet passed accordingly." Letters of warrant are to be " subscribed with the hand of the clerk and sealed with

<sup>1</sup> See p. 30.

<sup>2</sup> Sir Harris Nicolas was informed by an official of the State Paper Office that from 1536 to 1539 there is no trace of any other Secretary, and abundant traces of Cromwell performing the duties after he had become Privy Seal (Nicolas, p. 32).



the King's Signet " and sent to the Lord Keeper of the Privy Seal ; and one of the King's clerks of the Privy Seal, on examination of the letters by the Lord Keeper, is to address " from the office of the Signet " a warrant to the Lord Chancellor to use the Great Seal. Several points in this passage call for remark. There is evidently so much formalised business in the Secretary's hands that his clerks' signatures were valid on documents under the Signet ; which implies that the Secretary himself had larger business on his shoulders, and was no longer a subordinate with little more than registration duties. Again, the Office of the Signet has come into being, to last until the inquiry into sinecure offices in 1832. This by itself is a notable fact in the history of the secretaryship, but it becomes much more notable from the evidence afforded by this statute that the Privy Seal had developed no such official department ; the clerks of the Privy Seal forward documents to the Great Seal from the Office of the Signet.

At the early stage of this inquiry it was remarked that the intention was to look for the germ of our Departments of Government not in the Curia, or group of great officers under the Norman kings, but in another direction. Now we have seen that as soon as the Chancellor began to depart from his secretarial attendance on the King the Chancery lost touch with the executive. The Great Seal became a formal instrument, and power ran by the channel of another official, the keeper of the Privy Seal, who took that day-to-day place in the carrying out of the King's commands which the Chancellor had left vacant. Then this great officer of State in his turn—probably because he *was* a great officer of State, a lord of the

Council, and as such suspected by the Commons and weakened by ambitious kings—finds his office so limited by regulations as to become almost shadowy. In Henry VIII.'s reign he has sunk to little more than a supervisor of the Signet. He has been passed in the race for power by the obscure official, who remaining so close to the King's person as to be hardly assailable save in the company of the King, is bound to rise in status by that gathering of the threads into the royal hands, which the Tudor sovereigns were able to achieve. Another of the great Norman officials, the Treasurer, had diminished in status. By the very early enforcement of the rule that, although the King's revenues were at his sole disposal, not even he could withdraw money from the Treasury without the formalities of the Seals,<sup>1</sup> the Treasurer, apparently placed in a detached and somewhat independent position, was in fact being placed in a position in which the Secretary, as the mainspring of the Seals, was not far from commanding him. It is still formally true that executive power resides in the Council; but the other channel is growing more and more ready to receive it; and the reign of Henry VIII. is our first considerable justification for following that channel, rather than pursuing the history of the Privy Council. In a nation proving itself to have a peculiar gift for constitutional monarchy, the significant developments occur rather by a process of digesting into the constitution the personal acts and the personal attendants of the Sovereign, than by devising a system of counter-balances. The Council, once it had passed beyond the narrow Norman limits, would come under the latter category. It slowly declines because of its artificiality; while the

<sup>1</sup> Anson, II. ii. 143.

Secretaries, an inevitable growth from the reality of the business to be done, as surely come to the front.<sup>1</sup>

One further change during this reign remains to be noted. Hitherto only one Signet has been in existence. The second Secretary has not been quite on the same level as his fellow; and the letters patent nominating a successor to Dr. Richard Pace in 1536, when Cromwell was Secretary, describe this successor, Peter Vannes, Canon of Salisbury, as "Coadjutor Secretary."<sup>2</sup> But soon after 1539 the secretaryship seems to have been held by two persons of equal title and rank. Thomas Wriothesley and Ralph Sadler were appointed to keep two Signets and two books of warrants. Both were to be lodged in the King's palace, and they shared the duties in Parliament under the regulations already mentioned.<sup>3</sup> It appears that the actual salary of a Secretary was 80 marks a year;<sup>4</sup> but it must be remembered that they were allotted their own chambers

<sup>1</sup> The table of the Signet fees established by 27 Henry VIII. c. 11, shows the wide grasp of the office :—

For warrant upon a bill for <i>tales</i> or reward . . .	12d.
For warrant for gift of any office . . .	20d.
For warrant for pension, annuity, or wages . . .	20d.
For warrant for a special livery or other perpetuity . . .	6s. 8d.
For warrant upon every bill for a <i>conge dester</i> , royal assent, restitution of temporalities, donatives, advocations, presentation, or other ecclesiastical matter . . .	3s. 4d.
For warrant upon a placard, licence, pardon, or sheriff's reward . . .	2s. 0d.
For warrant upon a denizen . . .	3s. 4d.
For warrant for keeping of an idiot . . .	20d.
For warrant for keeping a ward . . .	3s. 4d.

These fees were for writing the warrant; the Seal fees were in addition.

<sup>2</sup> *Fædera*, vi. iii. 6.

<sup>3</sup> Nicolas, p. 35.

<sup>4</sup> *Fædera*, vi. iii. 177.

in the Palace and servants from among the Royal Household; and they had also an allowance for diet, amounting under Henry VIII. to £813 a year.<sup>1</sup>

### III. *The Growing Officialism*

Not least of the approaches made by the Secretaries in and after the reign of Henry VIII. towards executive power was due to the considerable advance in the organisation of the armed forces of the Crown. This is for the moment the most interesting aspect of the third point mentioned above, in connection with the question of how the change in the Secretary's status had come about. The fact that the Commons were more concerned to check illegal taxation than to supervise the expenditure of the money lawfully finding its way to the King's Treasury meant that, as administrative officials were needed, they were simply provided by the Royal Household. We have seen the original allocation of King's clerks to the supervision of the ships of the navy and the checking of ordnance and munitions.<sup>2</sup> Before the end of the reign of Henry VIII. there were two well-organised departments for these affairs.

The Ordnance, as appears from an order of the Privy Council for rendering account of the munitions of Calais, was under a Master of the Ordnance, who had as his subordinates a Clerk of the Ordnance (chiefly responsible, if we may judge by the analogy of the naval department, for the financial part of the work and for the accounts), and a Surveyor of the Ordnance. Each castle had its separate Master of Ordnance.<sup>3</sup>

<sup>1</sup> *Regulations of the Household*, p. 192.

<sup>2</sup> See p. 22.

<sup>3</sup> *Proc. P. C.*, vii. pp. 137-8.



In regard to the navy, a warrant of the Privy Council for the payment of certain monies in 1546 shows us that there was a Comptroller of the Ships with two clerks, a Surveyor of the Ships with two clerks, and a Clerk of the Ships, whose duty (and title very shortly afterwards) was that of Treasurer of the Ships.<sup>1</sup> It is interesting to add that Deptford had already taken its place in the economy of the navy ; a minor official was " the Keeper of the King's Storehouse at Deptford Strond." <sup>2</sup>

One of the chief changes of Henry VIII.'s reign was that the victualling of the navy was no longer charged upon the ports providing the ships. Commissioners were sent out to buy provisions at market prices. The army on service was still victualled by the old system of issuing protections in return for undertakings to provide bread, beer, etc., for the army.<sup>3</sup> But Henry VIII. victualled the navy himself, the reason primarily being, no doubt, that he could see a prospect of a return for his money. An indenture between him and Sir Edward Howard, Lord High Admiral, sets forth that Howard is to receive wages and " victuall money " for his fleet from such Commissioners as the King should appoint, and that, since the King had victualled the fleet at his own costs and charges, he should have half the prize money and all the artillery captured.<sup>4</sup> Whatever the motive, the arrangement must have added to the efficiency of the fleet, since it enabled Howard to be free of any complicated collection of victuals ; his orders were to resort from time to time with his navy " to the Cowe between the Isle of Wight and England, there to remayn till they have their vitaylles and wagies." So

<sup>1</sup> *Acts P. C.*, i. p. 368.

<sup>2</sup> *Ibid.*, i. p. 369.

<sup>3</sup> *Fœdera*, vi. i. 206.

<sup>4</sup> *Ibid.*, vi. i. 31.



Spithead also begins to come into the navy's history.<sup>1</sup>

The general control of the navy rested, like all executive power, formally in the King and Council. Its practical direction, however, was largely in the hands of the King's Household officers. Thus one of the earliest extant minutes of the Privy Council directs Sir John Roos, one of the admirals of the King's fleet, to "certify in the Chancery" the number of his ships; and letters giving sailing orders were sent under the signet.<sup>2</sup> So far was this the case that when the Secretaries become really important persons under Henry VIII. they may be found constantly giving orders and instructions on army and navy business, without any apparent reference to the Council.<sup>3</sup>

### The Secretaryship's Inherent Opportunities

The reign of Elizabeth is as striking an epoch in the history of the Secretaryship as the reign of Henry VIII., though for a different reason. Henry VIII. gave statutory powers and responsibilities to the office in connection with the Houses of Parliament, and so prepared one line of the subsequent development of Ministries. Under Elizabeth the change was more subtle and more profound. The tenure of the Secretaryship by Cecil showed to what an extent a man of commanding personality and deliberate purpose could go behind the forms of government by the

<sup>1</sup> *Fœdera*, vi. i. 33.

<sup>2</sup> Nicolas, *Royal Navy*, i. 188.

<sup>3</sup> *Cal. St. Pap. Dom.*, 1545, *passim*.

Sovereign in Council, and could in effect control policy, by the closeness of his association with the Crown, and place the Council in the position of merely sanctioning his designs.

There will be no need here to labour the point of the reality of Cecil's power; it is a commonplace of history. Yet how little the office had changed in theory, and how much therefore the quality of power in it depended upon the character of the holder, is very apparent from the various volumes of Cecil's correspondence. His boldest and most comprehensive schemes of policy are in the form of memoranda for proposals to be made to the Council; in points of detail he procures letters from the Queen conveying the commands he wishes to give. Again, he keeps his hand on affairs in Ireland by getting the Queen's high officials there to write private letters to him, and letters on less private matters to the Lords of the Council.<sup>1</sup> On a question of obtaining supplies for an army he writes to the Commander-in-Chief, sketching out for him a letter to the Queen quite different from the letter which the officer has already written to Cecil himself on the subject. This is a clumsy and roundabout method of government, and one which less capable and less ambitious successors could not manipulate. But that it was real can be gathered from a casual remark in one of Cecil's letters to his friend Carew, then Lord President of Munster. On the occasion of Herbert's appointment to be joint Secretary, Cecil advises Carew to write to Herbert sometimes: "This will take from him any opinion that you neglect him, and may prepare his mind to respect you hereafter

<sup>1</sup> Letters of Sir Robert Cecil to Sir George Carew (*Camden Soc.*, 1864), p. 16.

when peradventure death, sickness, or other accident may throw you into his hands as now you are in mine." <sup>1</sup>

### The Secretaries and Official Correspondence

In using such sources as Cecil's correspondence and the diary of Francis Walsingham, another of Elizabeth's Secretaries, we are enabled to put our finger upon one obvious opening for the exercise of power. The Secretaries dealt with the letters and dispatches on affairs of State. As they had the receipt of arriving correspondence they could easily arrange (as we have seen Cecil doing) to keep certain letters to themselves, or to have other versions of them, dictated by themselves, sent in their place. It would be natural for officials absent on affairs of government to make sure that the Secretaries understood them and supported them, since their standing with the Crown and the Council depended in this way upon the goodwill of the Secretaries; and thus the latter would acquire, however unofficially, a considerable voice in policy. How far the Secretaries had an equally free hand in the outgoing correspondence is not so easily seen. Walsingham's Diary gives details of the receiving and sending of letters almost every day; but there are no means of distinguishing between letters written by instruction of the Queen or the Council and letters written on his own authority. Sometimes it would almost seem that he dispatched instructions and

<sup>1</sup> Letters of Cecil to Carew, p. 58.

commissions without the intervention of higher authority ; he certainly supplements formal commissions with private advices.<sup>1</sup>

In the references to home affairs it is as difficult to decide how much the Secretaries did on their own authority and how much on instructions. They seem to have had the power of issuing passports for travelling between England and Scotland<sup>2</sup> (a very important power at the time), and of forbidding Scots people to use the English ports.<sup>3</sup> Their signatures were sufficient warrant to the Lieutenant of the Tower in his dealings with state prisoners. But perhaps the most significant fact in this connection is that the Secretaries examined prisoners themselves. This may fairly be taken as implying a large measure of responsibility.

One small detail concerning the Signet in this reign seems to throw light on the changing position of the Secretaries, though only, it must be admitted, by conjecture. A warrant of Elizabeth's reign to the Graver of the Mint orders the making of "two signets of gold with the royal arms and scriptures," one of which is to remain in the keeping of Francis Walsingham.<sup>4</sup> It is curious that nothing is said as to the destination of the other. If the two Secretaries kept one each, there would be no reason for thus specifying the keeping of one. The simplest explanation would be that the other was kept at the Office of the Signet. This leads us to the conclusion that Cecil did not have a Signet in his charge ; from which we might go on to

<sup>1</sup> Walsingham's *Journal*, under dates July and August 1575.

<sup>2</sup> See the account of a visit paid by a German nobleman to England in 1584 : *Royal Hist. Soc. Transactions*, ix.

<sup>3</sup> Walsingham's *Journal*, under February 1575.

<sup>4</sup> *Cal. St. Pap. Dom.*, 1547-80, p. 476.

deduce that the affairs on which he was engaged were not, strictly speaking, those of a Secretary, but those of an adviser. He has, in fact, by leaving his Signet at the Office of the Signet, already made the separation between the theoretical and the practical aspect of the Secretary's duties upon which the later transformation of the Secretaries into responsible Ministers was founded.

Something of the same kind is implied in the new style which the Secretaries acquire under Elizabeth. In a Commission of 1601 Cecil and Herbert are given the title of "Secretaries of State,"<sup>1</sup> and from this date it is always used.<sup>2</sup> The change is not merely one of nomenclature. A title of this kind implies that the Secretaryship, though still part of the Royal Household, is to be regarded henceforth as part of the machinery of Government—a constitutional rather than a personal service.

### Offices of the Armed Forces

The two departments for the armed forces had made a further advance in organisation by being lodged in office premises. Hitherto the clerks attending to this business had presumably done their work in rooms allotted to clerks at Court, as the Secretaries

<sup>1</sup> *Fœdera*, VII. ii. 5.

<sup>2</sup> Yet the curious tendency of the Secretaries' title to revert to humbler forms is not quite at an end; in Charles I.'s Commission setting up the Privy Council Committee for Colonial affairs, Coke and Windebank are called "Privie Secretaries."



used to do.<sup>1</sup> Now they had outgrown such accommodation. In 1558 there is a reference to "the furniture of the Office of Ordnance."<sup>2</sup> A year or two later the Lord Treasurer writes to Cecil that "the storehouse at Crossed Friars must be had."<sup>3</sup> Now the Office of the Navy Board was in Crutched Friars at the beginning of the eighteenth century;<sup>4</sup> and it may be concluded that this was the same house, and that the Navy Office dates from Elizabeth's reign. The fact that it is spoken of as "the Storehouse" need not disturb us. Benjamin Gonson, Treasurer of the Navy from Henry VIII.'s reign till well on in the reign of Elizabeth, and Edward Bashe, William Holstock, and others who were Comptrollers of the Navy (that post absorbing the General Surveyor of Victuals in 1562), were chiefly concerned with stores, victualling, and so on; and were the forerunners of the Navy Board. That the department was not yet very exact in its working may be gathered from the fact that the Privy Council warrants for money for naval affairs are sometimes made out to Gonson, who pays sums over to Bashe, and at other times to Bashe direct. In one of the Lord Treasurer's letters appears a "Treasurer of the Army," to whom £22,000 has been sent, "out of which the ships must be paid." Later on there is a warrant to this same official, Sir M. Brown, to deliver "out of the Queen's treasure in his hand £1000 to Edward Bashe, surveyor of the victualles for the seas." Presumably he must have been Treasurer of the Ordnance Office.

The Lord Treasurer, be it noted, addresses letters about payments and details of organisation, not to

<sup>1</sup> See p. 30.

<sup>3</sup> *Ibid.*, p. 148.

<sup>2</sup> *Cal. St. Pap. Dom.*, 1547-80, p. 121.

<sup>4</sup> See p. 60.

the Council, nor to the Sovereign, but to the Secretary. True, the Secretary was Cecil, whose personality was too great to allow us to take a measure of the normal position of a Secretary from the affairs he handled. But it is also true that, owing to the almost casual way in which the departments of the armed forces had grown up, the Secretaries seem always to have exercised in the concerns of those departments a freer hand than they exercised elsewhere.

### The Secretaries and the Privy Council

It is rather difficult to see how the practice of appointing Committees of the Council for certain business affected the Secretaries at this period. The practice began under Edward VI., and was continued by Mary and Elizabeth,<sup>1</sup> but it is not quite clear whether the Committees were permanently in existence. They were appointed to examine into the business and revenues of the Admiralty (the various naval departments are not infrequently referred to under this general name long before the first actual putting of the Admiralty into commission), the Household, the Wardrobe, the Ordnance, the Mint, etc.<sup>2</sup> From the nature of references to the "Foreign Committee" in Charles I.'s reign it would seem that this was a permanent body,<sup>3</sup> while on the other hand it is likely that the Committee which is to be found settling matters of pay for the troops would be a

<sup>1</sup> Anson, II. i. 67.

<sup>2</sup> *Cal. St. Pap. Dom.*, 1547-80, pp. 61, 120.

<sup>3</sup> *Ibid.*, 1639-40, p. 526.

temporary one. This practice of doing business through small bodies chosen out of the full Council was in the end to produce the conditions most favourable for the Secretaries' final attainment of power. For the moment it was probably less to their advantage than Henry VIII.'s more personal rule.

Yet the reign of Charles I. is not without importance for our purpose. For one thing, we find the Secretaries issuing warrants under their own hands to the Clerk of the Signet.<sup>1</sup> Again, there are such cases as that of Robert Bewick, who is placed under a bond of £1000 "for his appearance before the Council *or Secretary Windebank* when called for, to answer such matters as shall be objected to him."<sup>2</sup> This is a striking proof that the Secretary's authority could on occasion be regarded as concurrent with that of the Council. The way, too, in which the Secretaries endorse petitions and letters of business addressed to the Council with replies initialled by themselves is significant.<sup>3</sup>

### The Secretaries and Foreign Affairs

But what chiefly emerges in this reign is the degree to which foreign affairs were beginning to lie in the hands of the Secretaries. From the very first they had been peculiarly connected with the King's business abroad, being often sent on embassies and missions. Even as late as the reign of Henry VIII. we find one

<sup>1</sup> *Cal. St. Pap. Dom.*, 1639-40, p. 530.

<sup>2</sup> *Ibid.*, p. 477.

<sup>3</sup> See, e.g., *ibid.*, pp. 101, 121.

of the Secretaries, Gardiner, Bishop of Winchester, sent to the Court of France—and very much bored by his exile. Under Charles I. the Secretaries are in constant correspondence with English Ministers abroad. Much of this correspondence was unofficial—or at most semi-official—in tone ; the interest of it is that the Ministers abroad so plainly kept their eyes, not on the Foreign Committee of the Council, but on the Secretaries. They look to them for advice, as well as for news of home affairs ; they report to the Secretaries details which the latter may, or may not, communicate officially. Most interesting of all, we have at the beginning of 1640 the division of foreign affairs between the Secretaries, which gave them the distinctive titles they bore until the end of the eighteenth century. Secretary Vane writes, under date February 7, 1640, to Sir Thomas Roe, then at the Diet of Ratisbon : “ Secretary Coke having desired to retire and put the seals into His Majesty’s hands, the next day he bestowed them upon me with the ciphers. His Majesty has since made a division of his foreign affairs between Secretary Windebank and myself, Spain, Flanders, and Italy being entrusted principally to the care of the former, and France, Holland, Germany, with the Kings and Princes of the Baltic Sea, to mine ; yet so as not to exclude each other from corresponding with all His Majesty’s Ministers, and to us both they are to send severally their ordinary despatches ; but His Majesty’s commands to his Ministers are to be despatched in his circle by him, so in mine by me.”<sup>1</sup>

<sup>1</sup> *Cal. St. Pap. Dom.*, 1639–40, p. 433 (see also p. 332). This is the first division of duties that I have been able to find. Sir William Anson speaks of the division as existing “ from the Revolution until 1782 ” (*Law and Custom*, II. i. 164), but it clearly began earlier.



Roughly speaking, these are the spheres of the Secretary for the South and the Secretary for the North in the eighteenth century, except that France was later assigned to the South.

Although the Secretaries were technically equal, there was evidently a customary seniority. One of Windebank's clerks, writing at the time of Coke's retirement, says: "Methinks we should not fail of the diet and seniority in secretaryship, though the other will have precedence as being treasurer."<sup>1</sup> The meaning of the reference to "the diet" is that the allowance for diet was divided unequally between the Secretaries; under William and Mary the senior received £730 and the junior £292; and no doubt there was a similar difference under Charles I. to which the clerk refers. Apparently there was also an implication of seniority in the nature of the business attended to by each Secretary. Thus later in the same letter the clerk writes: "I do not find that we have much more sign of seniority, Mr. Treasurer having full as much of the foreign business as Secretary Coke had." (Vane combined for some years the offices of Secretary and Treasurer.) This passage would imply that the foreign business was regarded as the more important; and that in turn supports the view just expressed that the Secretaries felt their power most strongly in that direction.

One further point may be gathered from the letter concerning the division of duties. Windebank had what was afterwards called the secretaryship for the South. It was Windebank before whom Bewick was to appear. As it was the secretaryship for the South which later on included home affairs, it is not, perhaps,

<sup>1</sup> *Cal. St. Pap. Dom.*, 1639-40, p. 365.



going too far to see that assignment of duties already beginning.

### The Secretaries and the Commons

Inevitably the constitutional struggles of this reign tended to sharpen and define the responsibilities of the Secretaries. For the first time that position, intermediary between the Crown and Parliament, which had been given them by Henry VIII., becomes vital. It was the Secretaries who had the task of conveying the King's financial demands to the Commons, of explaining the necessities of the Exchequer, and proposing Bills of Aid. And this leads us for the first time to the operation of Parliamentary considerations in the appointment and dismissal of a Secretary. Vane, who had succeeded Coke, stood for a forcing policy in the Commons, as against the more concessionary attitude of Strafford. He demanded the extreme measure of twelve subsidies, and announced to the House that a refusal would be followed by a dissolution. He was dismissed from the Secretaryship when Charles, taking heart from loyal speeches in the Commons, thought that less threatening methods might suffice.<sup>1</sup>

The chief interest of such passages is that we have in them (though the Commons really failed to perceive it) the germ of the solution of the problem with which the Commons had been struggling for centuries, namely,

<sup>1</sup> See Gardiner, *History of England*, 1603-42, vi. 242; vii. 34; ix. 87, 112, 113; x. 94.

the bringing to book of those responsible for acts of Government. They had wrestled with the vague form of the Privy Council, only to find themselves in the strong hands of the Tudors. They had regulated the use of the Seals, only to find that behind the formal processes remained some more or less unreachable personality setting the processes in motion. They could perhaps hardly be expected to see that, in the presence of the Secretaries in their own House, they had the weapon they had so long been seeking. Probably one reason why they were slow to recognise what had happened was that it was not clear to them that the financial difficulties they were dealing with were not temporary, or due entirely to the policy or caprices of an individual King. They could not foresee that in the breaking down of the old financial supplies a situation had arisen in which the Crown would be under the constant necessity of explaining itself to the House, through the mouth of members of the House. Yet that is the change of which the work of the Secretaries in this reign gives us the first sign. Another sign may be detected in the doubled responsibilities which the Secretaries were undertaking. Coke was a member of the Navy Commission as well as Secretary; Windebank was a Commissioner of the Treasury.

The Secretaries, it may be added, were still living within the Court for the purposes of their business. But they had for some time now been men of a class who would obviously have residences of their own in London. Consequently we come upon passages which indicate that the Secretaries did not necessarily live entirely at Court. The rooms allotted at Court would therefore tend more and more to become office pre-

mises, and the way would be prepared for moving the Secretaries' department into offices of its own.

### Departments under the Commonwealth

Under the Commonwealth the secretaryship, as would be expected from the circumstances of its rise to importance, suffers in most respects a decline. The office becomes that of Secretary to the Council of State, and in place of the men of family and standing who had been holding it, we find one Frost appointed to it, with an allowance of 40s. a day; his son is appointed his assistant at 20s. a day, and he has 26s. 8d. a day for four clerks. John Milton is employed as foreign Secretary. This was a minor post which had from time to time been allotted to one of the clerks in the Secretaries' department; and has caused confusion to some writers, who have been led to suppose that there were periods at which there were three Secretaries. Milton's predecessor was a subordinate of Windebank's, who carried on his duties under the Commonwealth for a time. (There could be no more striking proof than this of the firm establishment of the Secretaries' department in the work of Government.) The Secretary to the Council of State would naturally have less chance of exercising, even informally, any executive power than the Secretaries of a Sovereign; but Frost had clearly a good deal of power in financial affairs. Warrants by him and his son for the issue of money from the Exchequer are frequent.<sup>1</sup> Other

<sup>1</sup> *Cal. St. Pap. Dom.*, 1649-50, *passim*.

authorities issuing these warrants are interesting, because they give us a degree of departmental organisation beyond anything we have yet had to record. Besides the Council of State itself, the Navy Commissioners and the Treasurers at War issue warrants. Now the navy, requiring by the very nature of the case more of a permanent nucleus than the army, had for some time past had a considerable civil staff. The army had nothing but the Officers of Ordnance. The perpetual jealousy manifested by the Commons against anything like a standing army would check the development of a military department of State. The Commonwealth, less hampered by this jealousy, produces the first approach to such a department. Not only have we these Treasurers at War, but before the period is ended we have a new Secretary for military affairs. This was one William Clark, who began by being Secretary to Monk during the time of his service in Scotland. He is occasionally described simply as "clerk to the General," but he gradually acquires the more important title of "Secretary to the Forces"; and in the later years of the Commonwealth he has become Secretary to the Council of War.<sup>1</sup>

He in his turn provides us with another instance of the growing officialism—and as a corollary the growing independence of dynastic changes—in the departments of government. Clark continued in his duties at the Restoration, with the title of Secretary at War.

What effect the Restoration might have had upon the history of the departments of government if the King had been other than Charles II., must of course

<sup>1</sup> Thomas, *Hist. Notes*, ii. 719, quoting the Council Book of the Interregnum.

be matter of mere speculation. Since it did in fact bring a king not over-inclined to concern himself with national affairs, the marks of the Interregnum upon the departments remained as one of its most lasting results. The departments had become accustomed to work without dependence on the Crown ; and after the Restoration the heads of them never returned to quite the same dependence. We begin now to be familiar with the spectacle of groups of administrators more concerned with their relations to one another than with their relations to the Sovereign. It is probable that in any case this change would not have been long delayed. The firmer establishment of Departments since the time of Henry VIII. had tended to attract capable men ; and such men would draw more and more of the daily processes of administration into their hands. The Interregnum hastened the development, so that the new conditions are very marked after 1660.

### **Army Office after the Restoration**

We may take first the case of the departments for the armed forces, since the state of affairs in them was largely responsible for the state of affairs in the others.

The army department became a wholly new thing. The constant disputes throughout the reign of Charles II. as to the keeping of a standing army need not concern us. It is sufficient for our purpose that Charles and James II. also did succeed in keeping some sort of army. But the provisions for its administration



are extremely important. Letters patent of 1668-9 placed the administration of the guards, regiments, and garrisons in the hands of "the Lords of the Treasury and one of our two principal Secretaries of State, to whom we have referred the care and consideration thereof."<sup>1</sup> In other words, here is a Secretary of State exercising, in conjunction with the Lords of the Treasury, an executive power. From this warrant we may date the arrangement we find existing later, by which the Secretary at War, though regarded as a King's Secretary, was not ranked as a Secretary of State, but as a kind of assistant for military purposes to one of the Secretaries of State. He had an office of his own, as appears from accounts of writing material supplied to it.<sup>2</sup>

Clark was succeeded in 1666 by Matthew Locke; and in 1676 came an important definition of the duties of the Secretary at War. In a warrant issued to the Duke of Monmouth in that year, countersigned by one of the Secretaries of State, it is laid down that in future all warrants and orders on military affairs, instead of passing the Signet and Sign Manual, shall be issued under the Sign Manual countersigned by the Secretary of the Forces "as by our Command."<sup>3</sup> From this time forward there is "no instance upon the War Office records of any warrant or order signed by the King being countersigned by any military officer—such countersign alone being always that of a Secretary of State, a Lord of the Treasury, or the Secretary at War."<sup>4</sup> It may be added that the pay of the army was in civilian hands, there being a Treasurer, or Paymaster of the Forces, responsible to the King for the monies

<sup>1</sup> See Clode, vol. i., Appendix 19.

<sup>2</sup> Clode, vol. i. p. 71.

<sup>3</sup> *Ibid.*, p. 72.

<sup>4</sup> See *Palmerston's Memoir*.

allotted to him. Nor is there any apparent limit to the control exercised; instructions of every kind—marching orders, directions to commanding officers, etc.—are all found signed by the King and initialed by the Secretary at War. In 1683 a further step was taken by the re-organisation of the Office of Ordnance on a civil basis.<sup>1</sup> Its staff consisted of a Master General of the Ordnance, a Lieutenant-General of the Ordnance, a Surveyor, a Clerk of the Ordnance (occupying a position which would be better described as that of Secretary to the Board of Ordnance), a Storekeeper, a Clerk of Deliveries, a Treasurer of the Ordnance, and a Chief Clerk to the Master General. The Lieutenant-General had two clerks under him, the Surveyor three, the Clerk four, the Storekeeper three, the Clerk of Deliveries two, the Treasurer three; and there was a subordinate staff of Storekeepers and Engineers, etc.<sup>2</sup>

### Navy Office after the Restoration

Of the navy department at this time we have, of course, many glimpses in Pepys's *Diary*. It had not changed essentially since the Tudor constitution of it. At the head was the Lord High Admiral; then came the Treasurer, the Comptroller, and the Surveyor of the Navy. The Clerk of the Ships, or Clerk of the Navy, has become Clerk of the Acts,—the office held by Pepys, and later on combined by him with that

<sup>1</sup> *Palmerston's Memoir*, p. 35.

<sup>2</sup> Clode, i. 168.

of Surveyor of the Victualling. Finally, there were three Commissioners of the Navy, who seem to have been concerned chiefly with provision and inspection of stores and victuals.<sup>1</sup> The Navy Office, used, as it would appear from Pepys's references, by all these officials, was still in Crutched Friars, with a Victualling Department at Deptford, and subordinate offices at Chatham, Portsmouth, etc.<sup>2</sup> Besides the premises at Deptford, there was a Victualling Office. Pepys does not mention where this was ; but as it is stated to have been on Tower Hill early in the eighteenth century, it may be presumed to have been there in Pepys's time. Besides these offices, we have references to an " Admiralty Office " at Whitehall. This would appear to have been an office in the Palace premises (Pepys sometimes calls it " the Duke of York's chamber "), such as the Secretaries of State had, to which the officials and Commissioners of the Navy Board were summoned by the Lord High Admiral for consultations on naval policy at large and estimates for money. When on the resignation of the Duke of York in 1673 the post he had held was put into commission, this office became that of the Lords of the Admiralty, who continued to exercise this general direction. As long as there was a Lord High Admiral, he seems to have depended for secretarial work upon the staff of the Navy Office ; but after the Lords of the Admiralty were commissioned a Secretary of the Admiralty appears, with a staff of seven clerks, in the Admiralty Office.<sup>3</sup>

<sup>1</sup> Note to Pepys's *Diary*, under date February 2, 1660, quoting a document in his hand among the Pepysian MSS.

<sup>2</sup> *Laws of the Admiralty*, ii. 301.

<sup>3</sup> *Ibid.*, 329.

### The Treasury Departmentalised

Developments in the Exchequer also call for notice. They follow naturally upon the subjects just discussed, because it was the increasing tendency of the expenditure on armed forces to become permanent which principally demanded the reorganisation of Exchequer business.

Up to this point we have not been much concerned with financial matters. All the revenues, whether the hereditary revenues of the Sovereign (like the revenues from Crown domains and manors, or the ancient Customs dues on wool and leather), or granted to each Sovereign for life (like the Tunnage and Poundage), or even those granted for special occasions of warlike expenditure, were regarded as paid to the Sovereign personally. His officials dealt with them. His Exchequer of Receipt tallied the paying in of money, his Exchequer of Account held audits; and both were staffed by the successors of the old "King's clerks" of the Household, under the King's Chancellor of the Exchequer. The Lord Treasurer is the King's Treasurer, even after he has become in a sense a public official.<sup>1</sup> No distinction was drawn between money used for the King's privy purse and that used for what we should now call public services.

The only changes for three hundred years had been changes in minor detail. Various attempts were made to secure proper audit; and as the departments became more highly organised, the process of supplying them

<sup>1</sup> Anson, II. i. 175.



from the Exchequer became more formalised and automatic, money being paid out to them on imprests not needing the Great Seal, as it had long been paid out to the Wardrobe and other officials of the Court.

As expenses increased various Sovereigns had tried devices for enlarging their revenues without consulting Parliament, chiefly by way of readjustments of the taxes granted them for life. Now Charles II., confronted with the same need in an aggravated form, owing largely to the extravagance of his Court life, could not attempt any such method of meeting the need. His father's fate was too present to him. He could only ask Parliament for more money, and Parliament had also new knowledge since the Civil War. One of the greatest of constitutional changes is foreshadowed in the inclination of the Commons to attach to their grants in 1666-7 a condition that a Committee of nine of their House should be empowered to inspect on oath the accounts of the spending of the grants. Passages in Pepys's *Diary* show to what a condition of muddle the old system had come. The King was borrowing money from "goldsmiths" on the strength of grants ahead; the Navy Office and the Ordnance relied upon bills discounted on 'Change. The Commons voted money for the wars with the Dutch, and it went into the King's coffers. The Navy Board drew what they wanted. But so could others who had at command the proper processes of the Signet and the Great Seal. Consequently, when the Navy Board come to make up their accounts, we see the Treasurer of the Navy, and Pepys, and even the Lord Treasurer himself, in despair as to how they are to face Parliament on its demand for accounts. The King has had for the war in two years a sum of £5,590,000; the officials can account for only



£3,200,000 ; " So what is become," Pepys asks himself and posterity, " of all this sum—£2,390,000 ? " <sup>1</sup> It is clear that some change will have to be made ; and Pepys, while feeling that the Commons' idea of a Committee to examine the accounts would be an intolerable reduction of the King to the status of a private person, can yet welcome Sir George Downing's proposal to have all money specially voted paid into the Exchequer alone, where it will at least be free of some of the perils attending it when paid into the King's Chamber.<sup>2</sup>

This proposal had the support of the Treasurer, Lord Southampton ; and thus the Treasury begins to be a department engaged, not in the keeping of money, but in the more important task of devising means for raising taxes and recommending those means to the Commons. The practice, begun on certain occasions in Charles II.'s reign, of putting the Treasury into commission, helped to break down the personal character of the King's expenditure on civil government, and to make it more of a public function.

It will be convenient to note under this head the appearance of a form of raising money which was to be the foundation of a great department, The establishment of a system of posts under Charles II. was largely devised as a monopoly which should bring profit to the Exchequer. At the present stage it is no more than a section of Treasury work, and we have only to record its commencement.

<sup>1</sup> Pepys's *Diary*, Oct. 10, 1666.

<sup>2</sup> *Ibid.*, Nov. 23, 1666 ; Jan. 25, 1666-7.

### The Secretaries after the Restoration

It remains to consider the position of the Secretaries of State under Charles II., and here too we find great and rapid changes. The Secretaries have for some centuries past been regularly members of the Privy Council; and we now find it laid down that upon appointment a Secretary is sworn, as such, of the Council.<sup>1</sup> In the document which gives this fact there appears also the statement that Secretaries of State are by right made Justices of the Peace for all counties of England. But more important than these formal dignities is the fact that the Cabinet Council, a body which appears first in Charles I.'s reign, has begun to supplant entirely, for executive purposes, the Privy Council and the Committees of Council;<sup>2</sup> and the Secretaries seem always to have been present at Cabinet Council meetings. These were the people who settled, with the help of officials called in from the Navy and Ordnance Offices, how much money should be asked from Parliament, and how Parliament should be induced to grant it.<sup>3</sup> They are meetings of Officers of State, usually the Lord Chancellor, the Lord Treasurer, the two Secretaries, and one or two of the higher officials of the Navy or Ordnance Boards who were members of the Council. Both the Secretaries were members of the first and second Boards of Admi-

<sup>1</sup> Clode, vol. ii., Appendix, 137, quoting a State Paper drawn up by Secretary Williamson under Charles II.

<sup>2</sup> Anson, II. i. 79.

<sup>3</sup> Pepys's *Diary*, *passim*, e.g., Aug. 26, 1666; Nov. 9, 1664.

ralty ;<sup>1</sup> and when the Treasury was put in commission in 1667 it was expected that they would naturally be members of that Board too, but in the end they were not.<sup>2</sup>

### The Committee for Trade

So far had the Council, as a body, declined in power that even the Committee which gives most distinction to the reign, and had a lasting future, is only in essence a body advisory to the Secretaries.<sup>3</sup> This is the Committee on Trade and Plantations. It had had some predecessors, since the reign of James I., when the successful plantation of Virginia added permanent colonial responsibilities to the Crown. But the fact that James's Committee sat at Haberdashers' Hall shows that it was regarded rather as a body advisory to the merchants with interests in the colony than as a matter of government. Charles II.'s Committee, while designed in some degree for the assistance of the great privileged trading companies, which were attaining their zenith, was no less intended for administrative purposes.

<sup>1</sup> *Laws of the Admiralty*, ii. 305, quoting the warrant of July 9, 1673.

<sup>2</sup> Pepys's *Diary*, May 22, 1667.

<sup>3</sup> When the Committee found its Commission imperfect in certain particulars, it was resolved to approach the King "or one of His Majesty's Principal Secretaries of State" on the subject.

### The Secretaries and Party Groups

There is also under Charles II. a subtle difference in the private manœuvres and intrigues of high officials. Pepys hears on one occasion that "Sir H. Bennet, my Lord Bristol, and their faction are likely to carry all before them (at the Court), and particularly against the Chancellor, who is irrecoverably lost."<sup>1</sup> Now such combinations as there had been in the reign of Charles I. were combinations produced more or less by the King or the Queen.<sup>2</sup> What Pepys talks about on this and other occasions is a very different kind of thing. It is a formation of groups and parties which must, in the end, no doubt, depend on their influence with the King, but they are formed without the knowledge or connivance of the King. It is not a very great point; and under some later Kings the groups are again formed or schemed for by the King. But at the same time it is not a point altogether devoid of importance.

Even so far as the intrigues of Charles II.'s reign looked ultimately for his support, they do not look to that alone. The Secretaries, the Treasurer, and the rest are beginning to feel the advance of a new responsibility. The Commons had in older days a weapon against the King's officials; but it was only the cumbrous one of impeachment. They begin now to act more directly. In the matter of supplies for the King, for instance, members of the House who hap-

<sup>1</sup> Pepys's *Diary*, April 28, 1663.

<sup>2</sup> See, e.g., Gardiner's *History of England*, 1602-42, ix. 87.

pened to be officials of the Navy Board are under the necessity of explaining the Board's demands to the House. Again, the House orders the production of the letters of the two Secretaries, Arlington and Morrice, in 1667 on the movements of the Dutch Fleet.<sup>1</sup> From another angle light is thrown by such an entry as this in Pepys's *Diary*: "My lord Keeper is utterly against putting away this and choosing another Parliament. . . . My Lord Arlington knows not which is best for him, being to seek whether this or the next will use him worst."<sup>2</sup> In other words, Parliamentary calculations are beginning to have their place in the mind of a Secretary of State, not merely as concerning the business of his master the King, but as concerning his own position and hold upon power. We are thus prepared for a further change after the Revolution of 1688, when the Commons had learned, and were prepared to teach their rulers, another lesson in the responsibilities of government.

<sup>1</sup> Pepys's *Diary*, Oct. 25, 1667.

<sup>2</sup> *Ibid.*, Nov. 13, 1668.



## CHAPTER III

### MINISTERIAL RESPONSIBILITY: 1688-1800

THE hundred years succeeding the Revolution of 1688 are curiously instructive in regard to the English habit of political development. The reality of power was laid hold of by Parliament long before the theory was assailed. Ministers were brought under an increasing responsibility, while their subordinates, secure in the old theory of Government, remained a close corporation of sinecure offices and corrupt appointments. Another instructive point is that no one understood the changes while they were actually taking place. At the very moment when circumstances were bringing about the dependence of Ministers upon the House of Commons, that House was in the mind to expel from its membership all officials of the King and of Government.

It must, indeed, have seemed at the time that the struggle to devise an efficient check upon executive power was endless and nearly hopeless. In old days the elusive element had been the King's Council; all sorts of regulations might be drawn up to limit the operation of the Seals and the Sign Manual, but these were, after all, mere machinery of government, and men had tried in vain to call to account those who set the machinery in motion. Impeachments could only break for a moment the ring of officials

and favourites round the throne. The decline of the Council under the early Tudor monarchs appeared to clear the air. Single favourites there might be ; but these were never impossible to deal with, nor could they, as had been found in the case of Charles I., screen the Crown. The whole lesson of the seventeenth century seemed to be that in balancing against one another two distinct forces—the Crown and its officials on one side, and the Commons on the other—the truest and most lasting steadiness of Government might be reached. In other words, the responsibility of action was to lie with the Crown, the Commons finding their duty in regulating the channels of action and prescribing certain limits to it. It has frequently been remarked that the Bill of Rights and the Act of Succession are almost entirely negative in their provisions. It had, in fact, never occurred to the Commons that they should govern. Government resided in the Sovereign, assisted at first by an advisory body of nobles and high officials, and later by an administrative machine of ever-increasing complexity. To see that the purse and the liberty of the subject were not too heavily weighed upon by the Crown was the ideal of the Commons. In consequence the Commons wished to feel their hands completely free to attack delinquents in administration, and to have as little connection as possible with the machine. Hence at the very time when in actual practice Ministers were beginning to take the opinion of Parliament more and more into account, the chief idea of the Commons was to free themselves from the presence of Ministers and officials in the House.

If we endeavour to see the matter with the eyes of contemporaries, we must acknowledge that to all

appearance the old ring of favoured advisers had recurred in a new form. It was no longer a ring of great territorial lords, whose power of raising armed forces made their influence essential to the Sovereign, and combinations of them against one another his chief concern. It was now a ring of able administrative officials, made important partly by the fact that the Crown could not act except through the Seals which they held, and partly by the new kind of combination they represented—a combination not of armed forces but of personally attached voters in the House of Commons. Indeed, the newer kind of ring may well have seemed worse than the old one. Great nobles might rise very high in the old days, but the Crown could not let them rise too high for its own safety. Officials on the other hand were dependent on the Crown for their places, and it must have seemed that, so long as they pleased the Crown, there was no method of pulling them down.<sup>1</sup> The one obvious point of weakness was their reliance upon personally attached members of the House of Commons. It was for the most part a sufficiently gross form of attachment. As we have seen in a previous chapter, the bodies of civilian clerks and officials which had by degrees become necessary for the purposes of government, had grown up in the most casual way. As long as one of the great officers of State could find some new sources of fees or could squeeze a little more out of the King's revenues, there was no check upon his appointment of underlings. This form of patronage was already

<sup>1</sup> The Commons on one occasion in 1678 took the step of sending Mr. Secretary Williamson to the Tower, imagining that he was primarily a member of the House. The King at once released him, an assertion that he was primarily one of the Secretaries.

large, and a man appointed to one of the offices of State could rely upon supporters either possessing sinecures or waiting for favours to come. Hence arose the persistent attempts made by the Commons during the first twelve years after the Revolution to exclude from the House all those who were in the pay of the Crown either as active officials, sinecure holders, or pensioners. An attempt of this kind had been made in 1675; and it was renewed in a clause originally proposed in the Act settling the succession to the Crown on the House of Hanover in 1700-1. The clause was to the effect that no person who had a place or office of profit under the Crown, or received a pension from the Crown, should be capable of sitting in the House of Commons. But before that Act came into operation this clause had been repealed by the Act of 1705, which, instead of sweeping all officials out of the House, specified certain of their number as incapable of sitting there, and excluded all holders of offices created subsequent to the Act. A later Act, in 1742, disqualified deputies and clerks in nearly a score of Government offices.

### The Hold upon Finance

What, it may be asked, was the conception in the mind of the Commons of the practical working of government? The first point to note here is that with the Revolution the Commons acquired a new hold upon the revenues of the Crown. The income from the Crown domains had been reduced by various

causes to little more than £6000 a year.<sup>1</sup> The old hereditary revenues granted to a Sovereign for life from certain duties of Customs and Excise had for long been inadequate to the requirements of government. In the necessity of the Crown to come to Parliament for supplementary supplies the Commons had already discovered a source of power, and at the Revolution they laid firmer hold upon it. The former habit of voting money without any control over its expenditure was abandoned, and money was specifically appropriated to definite objects. From 1688 we begin to have responsible accounts of public income and expenditure;<sup>2</sup> and nothing is more significant than the provision in the Act of 1698 granting an additional subsidy of tunnage and poundage, whereby, if the subsidy amounted to more than the £700,000 which it was intended to raise, the surplus was not to be disposed of without the authority of Parliament.<sup>3</sup> With this regulation of finance, and a clause in the Act of Settlement whereby a pardon under the Great Seal was to be no defence against impeachment, the Commons thought they had done all they could to maintain their influence in affairs. They had secured that the Crown must keep in communication with them; and that, since the Exchequer had to account to them, the country could not be embarked upon any serious enterprises without the Commons' consent. If this seems a rather limited influence, it must be remembered how very little of its modern content the conception of government then carried. So long as men were free to pursue their business without

<sup>1</sup> Anson, II. ii. 134.

<sup>2</sup> See *Return on Public Income and Expenditure* (1868-69).

<sup>3</sup> 9 & 10 Wm. III., c. 23.



autocratic interference either by overmuch taxation or insecurity of personal liberty, home affairs consisted almost entirely at this time of settling the succession to the Crown. Policy was for a hundred and fifty years to mean a certain line of conduct in regard to affairs overseas—our relations either with foreign countries or, later on, with our colonial plantations. By regulating finance the Commons thought to assure themselves of a voice at any crisis; by guarding their power of impeachment to prevent any grievous mishandling of a line of conduct to which they had consented.

In the early years after the Revolution the Commons seemed, however, to have failed in their object. In a debate at the close of 1692 on the ill management of the war, Members complained that they could not ascertain upon which advisers of the Crown to fix responsibility. After all, the people who had to account to the Exchequer were but administrative officials carrying out orders; it seemed impossible to lay permanent hold upon the persons from whom the preliminaries of those effective orders came.

### The Value of Parliamentary Support

The process by which the difficulty was solved was already in operation, though still unrecognised. The key to it is the fact that the new ring of advisers consisted not of great lords whose position made them of the Council, but of men who only entered the ring by being appointed to certain offices, and those offices

held during the King's pleasure. Men appointed may become men dismissed. Among the elements tending to dismissal, a lack of cordiality on the part of the Commons towards an Officer of State was before long discovered by the rivals of those in office to have some effectiveness. Throughout the eighteenth century it remained effectiveness of a vague and general kind. No direct step could be taken against a Minister except by impeachment ; his salary was the King's affair, and could not be touched as long as he satisfied the King. When George III. insisted on his right to appoint Ministers at his pleasure, and not at that of the Commons, the latter had no more real answer to him, strictly speaking, than they had had to Richard II. in similar circumstances. But in a general way a man's tenure of office could be made so tiresome to him and his colleagues, and so worrying to the Crown, by means of influencing the House of Commons against him, that such influencing came to be a regular part of the business of politics.

### The Ring of Heads of Departments

When we look further at this ring of official advisers of the Crown, we perceive new characteristics in it. It meets no longer as a group of detached individuals, but as a group of heads of active departments. The departments function almost automatically ; the direction in which they act is determined by the decisions of the King and this group of their heads. Originally, as has been remarked, the Exchequer

had been the only department in this sense. Next, the armed forces\* of the Crown began to have their permanent civil staffs; and the Secretaries of State had by this time acquired considerable staffs, engaged in the day-to-day business of embassies abroad and formal communications of the King's pleasure at home. Therefore even before executive power in the strict sense lay in the hands of the King's officials, there was a good deal of practical power in the direction of the standing forces, so to speak, of government.

A more striking point is the fact that this ring of advisers, while dependent still in the main upon the King's pleasure, begins to be subject in its composition to the purposes and inclinations of its powerful members. During the reign of William III., indeed, this is not very apparent. The case of Lord Normanby in 1694 shows that even when a man had become a member of the Cabinet he was not necessarily present at all its meetings;<sup>1</sup> the Sovereign summoned the meetings and did not always summon every member. But even in that reign certain offices were held to entitle a man to be summoned, and these were the offices of Lord Keeper (or Lord Chancellor), Lord President of the Council, Lord Privy Seal, and the two Secretaries of State. The control obtained by the House of Commons over finance brings about, before the reign of Anne, an interesting development. The Lord Treasurer is not only a regular member of the Cabinet, but is so important a member that he is regarded as the chief adviser of the Crown. Or we may record the same fact in another way, by observing that when Harley reaches a position of influence which makes his attitude the most important consideration

<sup>1</sup> Anson, II. i. 85.

in the group around him, he takes the office of Chancellor of the Exchequer. As the eighteenth century progresses we find increasingly communications from the principal man in the Cabinet to his friends or political associates offering them some post with a seat in the Cabinet. In other words, the appointments made by the Sovereign to offices which are still technically offices in his own household, are only made by him with reference to a number of considerations which have nothing to do with his household, but concern rather the goodwill and inclinations of other holders of offices.

How had this state of affairs come about? We have seen that the complete decline of the Great Council (for although Committees of the Council, especially those for foreign affairs and for Trade, existed into the eighteenth century, they were practically negligible, dealing only with such business as the King and Cabinet chose to lay before them) left the decision of matters of state to the King and such people as he chose to consult. But the King could only act through certain established formalities. The last two cases of attempts to override those formalities are those of the pardon of Danby, when Charles II. signed the pardon and then took the Great Seal out of Lord Chancellor Nottingham's hands to have the pardon sealed by an attendant; and that of the use of the Great Seal by Somers under William III. for the First Partition Treaty. Obviously, if these formalities had now become invulnerable, it was of importance that the officers charged with them should be willing to put them in operation; and thus these officers would become, whatever favourites in an unofficial capacity might be influencing the Sovereign, essential to consult.

We may perhaps see the germ of modern Ministries in an incident of the reign of Charles I. When Sir John Coke was growing old and the question of his successor in the secretaryship became important, the Queen, desiring "a new combination," put forward Sir Henry Vane, while Strafford urged the retention of Coke.<sup>1</sup> This implies that the King was beginning to find that in order to pursue a certain line of conduct it was better for him to have his officers of State acting in concert—in a "combination." The nature of the Revolution of 1688 was of a kind to stereotype this tendency. Strong and independent in many ways as William III. was, it was clearly essential to him to hold together his influential supporters.

### Ministerial Solidarity

This principle of action through formalities reached its final expression in theory as early as 1711, when in a debate on the conduct of the war in Spain, Lord Rochester said that "for several years past they had been told the Queen was to answer for everything; but he hoped that time was over; that according to the fundamental constitution of this kingdom Ministers are responsible for all."<sup>2</sup> How was it, then, that with a theory upon which to-day the whole power of Parliamentary Government rests, the Commons in the eighteenth century were so far from power? The truth is that Rochester's remarks were probably less

<sup>1</sup> Gardiner's *History of England*, 1602-42, ix. 87.

<sup>2</sup> Anson, II. i. 44.



ingenuous than they sound. He wished to defend the Queen from responsibility, in order to avoid strengthening the hands of those who were ready to bring back the Pretender ; and it was at the same time quite safe to put responsibility upon Ministers, because, beyond the clumsy method of impeachment, there were no means of punishing them, and even impeachment might miss its mark owing to the difficulty of establishing a Minister's personal responsibility for any given act, short of such a definite one as Somers's use of the Great Seal. What finally brought Ministers under the control of Parliament was the fact that, as in previous days the Sovereign had found it useful and more effective to have a certain concert of intention among his officials, so, when the absence of the Hanoverian Kings from the meetings of the Cabinet began to leave entire power to that body, its members had to act in concert. At first the concert was of the most informal and temporary kind. Even on such a great question as that of the possible return of the Pretender, a group did not necessarily hang together as a whole : Sunderland, the Secretary of State, writes (August 1708) : " If there is not a good spirit shown in Parliament we had as good give up the game, and submit to my Lord Treasurer's and Lord Marlborough's bringing in the Prince." <sup>1</sup> When Queen Anne's inner circle of intimates brought about the fall of Sunderland, his colleagues remained in office, and urged Marlborough to retain the command. Harley, when he first took office as Chancellor of the Exchequer, tried to work with prominent Whigs, the Duke of Newcastle as Privy Seal and Somers as Lord President.<sup>2</sup> Far on into the century men were offered and accepted

<sup>1</sup> Stanhope's *Reign of Queen Anne*, ii. 93.

<sup>2</sup> *Ibid.*, ii. 154.

office without any implication that they must resign if important measures introduced by their colleagues failed, or if the First Lord of the Treasury or the Chancellor of the Exchequer could not get supplies from the Commons. Indeed, so little was the true development of collective responsibility, and its importance to the Commons, understood, that Pitt could imagine it to be a bad thing, and could urge, in his famous cry of "men not measures," that the country would have its business better done if Ministers were only responsible individually for their own departments, and a Prime Minister could offer posts to the most capable men without committing them to a whole line of policy.

Yet, once groups had become accustomed to acting together, the next stage could not be long in coming. As early as 1711, in connection with the debate already referred to, Swift writes of the possibility of "the whole Ministry" giving up their places. Yet the earliest date at which this can be said to have happened was 1765, when, on the formation of the first Rockingham Ministry, there were new Lords of the Treasury, a new Chancellor of the Exchequer, and two new Secretaries of State. "I do not remember in my times," writes Lord Chesterfield, "to have seen so much at once as an entire new Board of Treasury and two new Secretaries of State, *cum multis aliis*." <sup>2</sup> The case of the second Rockingham Ministry was even more complete.<sup>3</sup>

<sup>1</sup> *Journal to Stella*, Dec. 15, 1711.

<sup>2</sup> *Letters*, iv. 401.

<sup>3</sup> Hearn (*Government of England*, p. 196) considers this the first instance of the modern theory of party government.

### Department Staffs still the King's Service

But it is time to note that this stage, sufficient for practical control of policy by the Commons, was reached without any theoretical change in the position of Ministers. They were not public servants, nor were their subordinates. Parliament did not pay their salaries or keep up their offices or their staffs of clerks. The Commons could make it so difficult and tiresome for a Minister or a group of Ministers to carry on the King's government that the King would wish to seek for others less hampered. But the Commons could give no indication to the King of its wishes as to the successors of dismissed Ministers; and in fact when they attempted to do so they produced in George III. the resentment which led to his assertion of personal Government and the long political struggle centring in the names of Grafton, Shelburne, and Temple. At the time when Sunderland was expected to become Secretary of State in 1691, the rumours concerning various people whom we should now call Ministers referred to them as "Court officers."<sup>1</sup> Moreover, even the old arrangement by which these officers of state and their subordinates lived within the Court precincts and had all necessities provided there was maintained, though by now, with the great increase of their work and their staffs, it had become a mere formality. Thus we know, for instance, that at the Navy Office houses were provided for the Commissioners and the Secretary.<sup>2</sup>

<sup>1</sup> *Cal. St. Pap. Dom.*, 1690-I, p. 350. <sup>2</sup> See Pepys's *Diary*, *passim*.

The Army Department had no diarist to reveal for us its minor details, as the Navy Department had in Pepys; but it is not likely that it was differently treated, especially as it is certain that the Paymaster-General of the Forces had a house beside St. James's Park.<sup>1</sup> Most curious of all is a payment in 1737 to the Under-Secretary and nine clerks of one Secretary of State, and the Under-Secretary and seven clerks of the other, of a sum of £1269 as "Board wages during his Majesty's residence at Hampton Court, July 14 to October 29."<sup>2</sup> In some accounts of the reign of William III. the Treasurer of the Chamber enters payments for "lodgings out of Court and stationery ware furnished for the Secretaries' offices";<sup>3</sup> and the duration of the fiction can be seen from the King's Message to Parliament in 1782, at the time of the Burke reforms. In that message, complaining of the inadequacy of the Civil List, among the sums due but unpaid appears an item of £155, 12s. 6d., "for rent for the Secretary of State's office."<sup>4</sup>

### Offices in Palace Precincts

This way of regarding the departments of government as the King's affair, Parliament merely providing him with a lump sum for carrying them on, makes it very difficult to arrive at any material picture of

<sup>1</sup> *Cal. Treas. Pap.*, 1735-8, p. 163.

<sup>2</sup> *Ibid.*, p. 574.

<sup>3</sup> Accounts contained in a MS. book at the Record Office, quoted in *Return on Pub. Income*, pt. II. p. 586.

<sup>4</sup> *Parly. Papers*, ii. p. 348 sqq.

what we call the Civil Service during this stage of its development. There are no detailed accounts, and we have to rely on casual references, helped out by certain indications that survived to our own times. The provision of extensive accommodation in Court was not so difficult as would seem to modern people, who think of a palace in town as a single compact block like Buckingham Palace. The existing state of St. James's Palace gives us a better clue. There, besides the main range of building, are various houses, with their separate doors opening in many cases on to public streets and pavements, but all part of the Palace. Some of them are still inhabited by Court departments—the Board of Green Cloth, for instance, and the Lord Chamberlain. Since the days of Henry VIII. the Court had expanded into Whitehall Palace as well ; and here there was even more extensive building. In Agas's Map, of which the date is about 1560, the Palace can be seen covering, roughly speaking, all the ground between Scotland Yard and Cannon Row, north and south, and the river and St. James's Park, east and west. The main Palace buildings were in the north-east corner of this space ; south of them was the Privy Garden with ranges of houses round it on the Westminster and the Park sides. The street from Charing Cross to Westminster ran through the middle of the Palace precincts, and this was lined with houses forming part of the Palace. In Faithorne's Map, of which the date is 1658, it can be seen that the western part of the Palace had been considerably developed during the intervening century. There is much more building on the Park side, and another garden there.<sup>1</sup>

<sup>1</sup> I have used the reproductions of Agas and Faithorne, published by the London Topographical Society in 1905.



Two departments, as we have already seen, were elsewhere. The Navy Office was in the City; the reason for this, no doubt, was that, as the office had been originally taken as a storehouse, it would be more convenient to have it near the markets and docks, and later on, when it became the Navy Office, it would be the scene of a constant coming and going of seamen and naval officers of lower grades and widows and pensioners. The Victualling Department would be at Deptford for similar reasons of convenience.<sup>1</sup> The Admiralty Office, as has already been remarked, was at Whitehall,<sup>2</sup> and therefore in one of the houses of the precincts. The Ordnance Office, with a gun-house attached to it, was in the north-west corner of the precincts, on part of the ground now covered by the Admiralty buildings.<sup>3</sup> The Exchequer was still at Westminster. The Privy Seal Office was over the gate at Whitehall, that is, in the gatehouse on the north spanning the road from Charing Cross to Westminster.<sup>4</sup> On the disposition of the remaining departments we get some light from entries in the Treasury books. In 1742 there is a letter to the Board of Works to "settle and estimate for repairs at the rooms in the Privy Garden where the Treasury was lately kept, for fitting the same for Lord Carteret's office."<sup>5</sup> Lord Carteret was one of the Secretaries of State. The Privy Garden was, as has been said, on the river side of the modern street called Whitehall; it would seem from the maps that the old Treasury

<sup>1</sup> See p. 42.

<sup>2</sup> See p. 60.

<sup>3</sup> *Report of Commission on Accommodation in Public Departments*, 1868.

<sup>4</sup> *Pepys's Diary*, Aug. 9, 1661.

<sup>5</sup> *Treasury Letter Book*, xx. p. 31.

must therefore have been somewhere near the forecourt of the present Montague House. It is also clear from this and other references that the Secretaries of State had houses here for their offices. Lastly, we have a first mention of a locality now serving almost as a synonym for Government; there is a reference to "the Plantation Office in Downing Street."<sup>1</sup> This was a small office in which certain clerks of the Privy Council attached to the Committee for Trade and Plantations did their work. Soon after the Restoration in 1660, Sir George Downing, who had played a part not entirely pleasant but useful to the Royalists, was given for reward a portion of land in the western precincts of Whitehall Palace,<sup>2</sup> which he proceeded to lay out for building, and as it lay conveniently near the other offices in the old Palace buildings it was natural for the Treasurer of the Chamber, as more accommodation was needed, to rent some of the houses here. When the new Treasury was built in 1737 (some of the old structures of the Palace being used in the building),<sup>3</sup> a house in Downing Street for the Chancellor of the Exchequer, near to the new building, was taken and repaired.<sup>4</sup> In 1753 the Horse Guards was built on the site of the old guardhouse of the Palace. Hitherto the Secretary at War, as a kind of assistant to one of the Secretaries of State, had apparently had his office in conjunction with one of them; he now moved into the Horse Guards.<sup>5</sup>

<sup>1</sup> *Cal. Treas. Pap.*, 1735-8, p. 498.

<sup>2</sup> *Cal. St. Pap. Dom.*, 1661-2, p. 408.

<sup>3</sup> Lewis's *Topographical Dictionary*.

<sup>4</sup> *Lord Chamberlain's Warrant Book*, ii. 183.

<sup>5</sup> *Report, Acc. Pub. Dep.*

### The Size of the Office Staffs

Of the staffs that worked in these offices we have very little information earlier than 1797. Even if the Court officials charged with the payment of them had left detailed accounts, we should be imperfectly informed, since so many of the civil servants of those days drew their emoluments largely, and in no few cases entirely, from fees for formal services or sinecures. Thus Pepys, besides the comparatively small salary he had as Secretary of the Navy, drew a very satisfactory income from a sinecure clerkship of the Privy Seal. Again, the patent for the Secretaryship cost him some £40 in sealing and writing fees, and as that kind of business must have been constant in the Signet and Privy Seal offices, the clerks there probably had no income to speak of from the Exchequer. Fees also would provide much of the maintenance of the Exchequer staff itself. The clerks of the Paymaster-General to the Forces were paid by a poundage on the money voted for the pay of the army ; <sup>1</sup> and no doubt the same principle was applied to a great part of the Navy Office and Victualling Office staffs. A MS. book of estimates of certain expenses of the Royal Household in 1699 <sup>2</sup> gives us information about some civil servants who were entirely dependent on their salaries from the Exchequer. The two Secretaries of State received £1850 a year each ; the Ordnance Office appears to have had no fees to support it, since the Master-General of the Ordnance, the Lieutenant-General, the Keeper

<sup>1</sup> *Cal. Treas. Pap.*, 1735-8, p. 19.

<sup>2</sup> See note 3, p. 81.

of Small Arms, the Works Master, and The Master Gunner all appear on this estimate. There were eight paid Commissioners for Trade, with a Secretary and four clerks attached to them from the staff, of the Privy Council. Four clerks of the Privy Council, a Latin Secretary (at £80 a year) and a French Secretary (at £66, 13s. 4d. a year), and various minor officers of Works, Gardens, and Parks make up the list. Of the civil staff of the Navy we have an account in 1747.<sup>1</sup> At the Admiralty there were a Secretary, a solicitor, and seven clerks. At the Navy Office in Crutched Friars there were—

The Comptroller.

The Surveyor.

The Clerk of the Acts.

The Comptroller of Treasurer's Accounts.

The Comptroller of Victualling Accounts.

The Comptroller of Storekeeper's Accounts.

Chief Clerk of the Ticket Office.

Each of these had a staff of from two to six clerks. The Comptroller had to attend to all payment of ships' wages, to follow the market rates for provisions, examine and audit the Storekeeper's, Treasurer's, and Victualling Accounts. The Surveyor had to attend to supplies of hemp, tar, canvas, boats, anchors, etc. The Clerk of the Acts had to present business to the Navy Board and attend its meetings. The Clerk of the Ticket Office was concerned with pay of discharged and deceased seamen. The Treasurer of the Navy was in a house in Old Broad Street. His office made up all the Navy accounts for the Treasury officials. It included, besides the Treasurer himself,

<sup>1</sup> *Laws of the Admiralty*, ii. 329, 385 sqq.

a Paymaster with eight clerks, a Cashier with five clerks, a Cashier of the Victualling with four clerks, and two clerks extraordinary. The Victualling Office on Tower Hill was occupied by seven Commissioners, a Secretary, a Cashier (each with a small staff of clerks), and various clerks of the "cutting house," the bakehouse, the brewhouse, etc. It is easy to deduce from this that the Ordnance Office, with its five heads of departments, would have employed between twenty-five and thirty clerks; and the Secretary at War perhaps six or seven. The Treasury, with its four Lords Commissioners and a Secretary, would employ about another thirty; the Exchequer, with its Chancellor, Remembrancer, four Tellers, Clerk of the Pells (charged with the keeping of the documents), etc., is much more difficult to gauge; but by making a comparison between the known staffs of other offices at this time and their numbers at the date of the first full return in 1797, and applying it to this case, we may guess the staff of clerks in the Exchequer at about thirty. The Signet Office and the Privy Seal Office seem always to have had small staffs of not more than four or six clerks.

### The Third Secretaryship of State

The practice of government by departments had thus reached, by the middle of the eighteenth century, a shape quite recognisable by modern eyes. As far as the departments were concerned there is little left to record of this period except a steady enlargement.



In that point they reflect the constitutional changes which were altering the position and powers of Ministers. When, with the absence of George I. from the Cabinet meetings and the persistent criticism of the Commons, Ministers began to assume more and more executive power, the mechanism of government naturally expanded. Six or seven men took the place of one ; and since communications were at the same time slowly improving, and national activities were increasing, there was more work to be done. The number of high officers was not greatly increased. For two periods during the century there were three Secretaries of State. In 1708 Queen Anne appointed, by declaration in Council, a third Secretary, owing to "the public business increasing" ; but she announced that she intended nevertheless to continue the foreign affairs for the present in the course of dispatch they were then in.<sup>1</sup> The union with Scotland was the apparent cause of the appointment of a third Secretary, and he was generally regarded as Secretary for Scotland. But the office was of short duration. On the death of the Marquis of Queensberry, its holder, in 1711, there was so much competition between the Duke of Hamilton and the Earl of Mar for the succession to him that the office was suppressed.<sup>2</sup> In 1768 a third Secretary appears again. The ostensible reason—no insufficient one—was that the affairs of the Colonies were becoming increasingly urgent and difficult, and it was necessary to put over them some one of more authority than the Commissioners for Trade and Plantations. Moreover, a body of Commissioners was not an ideal instrument for such affairs as were just

<sup>1</sup> Nicolas, p. 42, quoting the *Council Register*.

<sup>2</sup> Thomas, *Historical Notes*, II.

then in progress. At the same time, it is quite likely that the growth of intrigue among Ministers and their rivals was such that a new office provided a fresh support for those in power and a fresh bait for those out of power to angle for combinations. That the creation of the office is at least open to this possible explanation is suggested by the fact that, when the Burke reforms were set on foot, the third Secretaryship was abolished without much outcry.

### **The Commons and the Public Service**

Burke's reforms mark a distinct stage in the development of our subject, because they began that process of clearing up the details of expenditure upon purposes of government which ended fifty years later with the inauguration of the present system of Civil Service estimates and supply. The old method of voting lump sums of money to the Crown was breaking down completely. The Crown was perpetually finding the supply insufficient ; and Parliament was perpetually being irritated by demands for more coming upon it, as it were, out of the dark. It is possible that the departments of government might have remained much longer in their old system if corruption had not been so rampant. Every one was on the look-out for pieces of patronage, from the private Member of Parliament, whose support might be secured by providing him with a few Customs and Excise jobs, or a few local postmasterships, to give away among constituents, to the highest officers of State themselves.

When men like the Grenvilles were appointing relatives at the age of four to the reversion of clerkships in the Privy Seal Office,<sup>1</sup> it is fairly clear that the Civil Service must have been supporting an immense dead-weight. From time to time during the eighteenth century the Treasury can be seen asking for accounts of the debts of this and that department of the Royal Household, such as those of the Steward of the Household and the Treasurer of the Chamber, both of whom were then charged with a host of expenses now contained in Civil Service Supply. The Treasury Letter Books are full of pressing appeals from various officers for payment of their salaries. At last, in 1782, on a further representation by the Crown of the amount of money due but unpaid, Burke led an attack upon the whole system. The result was the Act of that year,<sup>2</sup> by which a number of offices were suppressed, including those of the third Secretary of State, the Commissioners for Trade and Plantations (whose work was to be undertaken again by a Committee of Council), the principal officers of the Board of Works, of the Great Wardrobe, and of the Jewel Office, the Treasurer of the Chamber, the Cofferer of the Household, the six clerks of the Board of Green Cloth, and the Paymaster of Pensions. More important, however, were the clauses by which a new system was introduced into the allotment of the supplies voted by Parliament. Hitherto the apportioning of various sums in such accounts as existed had not been of a kind to let any light in upon the mass of sinecures and jobbery. Before the Revolution there is nothing that can be called an account of the King's revenue. There are occasional lists drawn up by the Treasurer of the

<sup>1</sup> *The Grenville Papers*, i. 330.

<sup>2</sup> 22 George III., c. 82.

Chamber or the Cofferer, and letters patent appointing to certain offices mention the payments to be made by the Exchequer. But the only responsibility of the high financial officers was to see that the revenue came in, and only went out under the prescribed forms. The attempt after the Revolution to allocate money with more exactitude gives us from 1688 continuous returns ; but for the next hundred years they are made in the most general fashion.<sup>1</sup> The items (if anything so vague can be called an item) are as follows :—

Army Services.

Navy Services.

Ordnance Services.

Privy Purse.

Cofferer of the Household.

Works and Gardens.

Pensions.

Secret Service.

Fees and Salaries.

British Ministers Abroad and Contingent  
Charges.

A useful proof of the vagueness surrounding the whole system is the fact that, when the judicial establishment begins to make a separate appearance in the reign of George II., the amount of Fees and Salaries shows no diminution.

<sup>1</sup> See *Return on Public Income*, 1868-9.

### The Attempt to enforce Economy

The Burke reforms introduced a new classification as follows :—

Privy Purse (including allowances to the Royal Family).

The Judicial Establishment.

Ministers Abroad.

Bills of the Royal Tradesmen.

Wages of the King's Menial Servants.

Pensions and Annuities.

Fees and Salaries.

Salaries of the Treasury and Exchequer.

It was not, perhaps, a very great change at first sight. Its force lay really in the order thus prescribed for payments. There seemed to be no way of dealing in detail, upon each occasion of voting money, with the particulars that might be comprised under "Fees and Salaries." This was probably partly because the Commons still clung to the old policy of keeping clear of the executive ; the best spirits of the Commons could still see nothing but the possibility of an increasingly venal House in any direct association with the staffing and equipping of public offices. Burke therefore hoped to secure economy and supervision by indirect means ; if the salaries of the Civil Service came last but one upon the list, there would always be a difficulty in finding money for them and superfluous sinecurists might be starved out. If, further, the salaries of the Treasury and Exchequer



were put absolutely last, the financial officers, to save their own livelihood, would have an eye to pruning down the numbers of those who came before them. There was, indeed, so much apparent effectiveness in this proposal that the new arrangement was delayed ; but by 1786 it is in full operation in the Returns.

In one respect the Act of 1782 went too far ; it was very soon found that the third Secretaryship of State, whatever the circumstances of its origin, had in fact rendered itself necessary, and in 1794 it was restored. Two processes had been at work. On the one hand the increase of business had made it necessary to departmentalise Government to a degree hitherto unknown ; and on the other hand the Secretaries of State offered the most convenient, if not the only, opening for enlarging the executive *personnel*. The only alternative was a restoration of the Board of paid Commissioners. Enough has been said of the corrupt state of the service to show that the idea of a fictitious Board with a President alone receiving a salary (the later device for enlarging the governing body) would never have occurred to anyone. Between the restoration of a Secretary of State and a paid Board the decision was an obvious matter of finance. In the King's Message of 1782 the cost of the Board of Trade is put at " somewhat more than £12,600 " ; the cost of the third Secretary of State at £7500.

### New Arrangement of the Secretaries' Duties

The third Secretary was therefore restored, and he became definitely Secretary for the Colonies. At the time of the abolition of the office he had been described as "the third Secretary of State, commonly called the Secretary of State for the Colonies." A change in the formalities of government had intervened. Up to the year 1782 the distinction between the spheres of work of the Secretaries had been one rather of convenience than of prescription. The Secretaries had been, from the first appointment of more than one, on an equality. It had been found convenient to divide correspondence between them on certain broad lines of geographical division, since the main bulk of their work was in foreign affairs. The Secretary for the North, dealing with the northern Powers of Europe, had been (so far as there was any seniority) the senior of the two; and consequently, as more work fell on the Secretaries, such matters as home affairs, colonial affairs, and Irish affairs fell to the Secretary for the South. Sir William Anson has shown that this was not as heavy a burden as it sounds.<sup>1</sup> Ireland had yet its own Parliament and executive; colonial affairs were not very seriously taken, as the whole official attitude towards the American colonies in the eighteenth century shows; home affairs consisted of very little beyond a certain amount of prison administration, and even that was not very searching. But by the end of the century the increase of population, the improve-

<sup>1</sup> *Law and Custom*, II. i. 166.

ment of communications, and the consequent opportunity for more distinct central control, made it advisable to rearrange the Secretaries' duties. The change was very simply inaugurated ; it appears to have been done by mere direction of the King, just as the original apportionment of duties for the North and the South had been made. Nothing can show more clearly the absence of responsibility, in the last resort, to anyone but the King than the fact that no Order in Council or departmental Minute records the alteration. The only State Paper recording it is a circular to the Ministers abroad, dated March 29, 1782, in which Fox, announcing his appointment to be Secretary of State, adds that the King has been pleased " at the same time to make a new arrangement in the Departments by conferring that for Domestic Affairs and the Colonies on the Earl of Shelburne, and entrusting me with the sole direction of the Department for Foreign Affairs." <sup>1</sup> When, therefore, the third Secretary reappeared, he was definitely the Secretary for the Colonies ; and as the supposition was that he would not have an amount of work equal to that of the other two, the War Department was also attached to his office in so far as it lay in the hands of the Secretary at War—that is to say, general Army policy and the estimating for the year's requirements. It may be noted here that the comparatively late growth of a standing army had caused a difference between the Navy and Army departments. The Navy, like the Civil Service, practically came automatically on the Exchequer for its needs. The Treasury was in effect little more than a book-keeper in respect to the Navy. But it did occasionally revise and reduce the estimates made by the Secretary at War.

<sup>1</sup> Anson, II. i. 165.

### Development of the Post Office

In the general expansion of public offices one other, besides those already mentioned, had developed to a degree that had made its staff one of the most considerable, namely, the Post Office. Technically its position was no more altered than was that of other offices ; it remained a means of raising revenue granted to the King for life, and administered without control by Parliament, except in so far as, being a form of taxation, the rates of postage were fixed by Act of Parliament. The development of the Post Office came rather late in the century. As long as local postmasters were in fact farmers of the posts, having to pay a certain sum to the Exchequer, and then make what they could within the limits of the fixed rates,<sup>1</sup> there was no necessity for a large central staff in London. The business was done in the most slipshod way, and the officials who were nominally postmasters-general concerned themselves with little beyond taking fees. But when the Palmer scheme of sending the mails regularly by the coach-routes was laid before Pitt, and it appeared to him that the confused welter of evasions, perquisites, and complaints (of which the postal system chiefly consisted) could be made by proper centralisation to yield a useful revenue, a great organisation began to grow up. Besides the office of the postmasters-general with their secretary and eight or ten clerks, there were the offices of the Receiver-General, the Surveyor and Superintendent of Mail Coaches, the Clerks of the Roads,

<sup>1</sup> See Joyce's *History of the Post Office*.

the Bye-Letter Office (for dealing with letters conveyed by cross-country routes and not through London), the Foreign Mail Office, and three or four others, each with an Inspector, his Assistant or Chief Clerk, and from two to six clerks.<sup>1</sup> Here we must recognise in passing that the fee system, bad as it was, assisted in the development of public offices. A good deal of the cost of the Post Office was defrayed out of its revenue. But its development would have been longer delayed if there had not been a prospect of a useful balance ; and in the existing state of correspondence there would have been no balance from a largely increased organisation if all the staff had had to be paid out of the revenue. Local postmasters paid fees on their appointment ; but by far the greater part of the fees came from the sending of newspapers abroad and the receiving of newspapers from abroad. So heavily were the newspapers mulcted that practically every one of the upper class of subordinates took money from this source, and the Comptroller of the Foreign Department had no salary, but a sum of £3270 a year from these fees. Another whole branch of the Office lived largely on fees from the publication of the Mail and Shipping List.<sup>2</sup> But while it may on the one hand be said that the development of public departments was forwarded by the fee system, that system was inherently so bad that it could not tend to real development. The fees were much more often an addition to an already sufficient salary than a source of income for an official, who would otherwise not have had a place in the office ; the Secretary to the Post Office had a salary of £1200 a year, and added to that £3100 a year

<sup>1</sup> See Accounts relating to the Post Office, *Parly. Return*, 1822.

<sup>2</sup> *Ibid.*



from sending newspapers to America and British settlements.

### The Civil Service at the End of the Eighteenth Century

The extent of the Government service at the end of the eighteenth century is exactly known from a Parliamentary Return published in 1828. In all fifty-four departments appear, but it must be remembered that several which make a separate appearance here would to-day be sub-divisions of modern departments. Thus the naval business was transacted by five departments, the army business by eight, the Exchequer by eight. The following is a list of the Departments, with the staff of most of the principal ones :—

	Treasury . . . . .	142
	Secretary of State : Home . . . . .	26
	" Foreign . . . . .	24
	" Colonies . . . . .	12
	Privy Council Office . . . . .	16
	" for Trade . . . . .	19
The Modern Admiralty	Admiralty . . . . .	45
	Navy Office . . . . .	160
	Navy Pay Office . . . . .	73
	Victualling Office . . . . .	118
	Audit Office . . . . .	33
The Modern War Office	Ordnance Office . . . . .	353
	War Office . . . . .	58
	Army Pay Office . . . . .	24
	Commander-in-Chief's Office . . . . .	16
	Adjutant-General's Office . . . . .	.
	Quartermaster-General's Office . . . . .	.
	Office for Military Boards . . . . .	.
	Army Medical Board Office . . . . .	.

Customs Office . . . . .	6004
Excise Office . . . . .	6580
Stamps Office : . . . . .	
Taxes Office . . . . .	
Post Office: Great Britain . . . . .	
"    Ireland . . . . .	
Mint Office . . . . .	
Alien Office . . . . .	
Stationery Office . . . . .	
State Paper Office . . . . .	
Comptroller of Army Accounts . . . . .	
National Debt Office . . . . .	
Lottery Office . . . . .	
Hackney Coach, Hawkers', and Pedlars' Office.	
Auditor of Exchequer . . . . .	26
Teller of Exchequer . . . . .	6
" . . . . .	6
" . . . . .	6
" . . . . .	6
Pells Office . . . . .	23
Exchequer Bill Office . . . . .	8

It is very difficult to make any comparison between these establishments and the establishments of to-day, so great have been the changes in the work and the character of the departments. If we take the Foreign Office, as one that has least altered its duties, we find that a staff of 24 in 1797 has grown to one of 129 in 1912. The old cumbrous machinery of the Exchequer, which can hardly be said to have done any real auditing in 1797 with a staff of 73 persons, has been replaced by the Exchequer and Audit Department with a staff in 1912 of 208. The truth probably is that, while there must have been less public work to be done, the staffs were inadequate to do what there was, and were bound to remain inadequate so long as the Commons, with whom rested the granting of supplies, could not but regard the public service as a preserve of sinecurists and placemen.

One further point must be noted. Until the work of Government became genuinely a public service, its responsible heads remained few in number. All had grown out of the personal staff, so to speak, of the Crown. The offices of the Lord Chancellor and Lord Privy Seal had fallen into mere routine, so far as the executive went, because they depended on preliminary action by the Secretaries of State and their Signets.<sup>1</sup> The First Lord of the Admiralty was, in point of fact, usually admitted to the Cabinet ;<sup>2</sup> but no one would have thought of attacking him, rather than a Secretary of State, on a question of general policy. The Master-General of the Ordnance was not of the Cabinet, and the War Department was simply regarded as a sub-office of one of the Principal Secretaries. The Board of Trade was no more than an advisory body to the Secretary of State for the Colonies ; the Post Office was subject to a Secretary of State.<sup>3</sup> It might really be said that, however many departments might be enumerated in a return to Parliament, there were really only four actual departments of Government—the Treasury and the three Secretaries of State. All the rest were in some way or other branches of these.

<sup>1</sup> See p. 38.

<sup>2</sup> Anson, II. i. 95.

<sup>3</sup> Joyce's *History of the Post Office*, p. 223.

## CHAPTER IV

### THE RISE OF THE MODERN SYSTEM

THE Secretaries of State had now become in all essentials what their modern successors are ; and there is no need to trace further the development of their place in the Constitution. Yet one incident may be referred to, as showing how completely the Secretaries had departed from their original position, and at the same time how curiously casual the methods of obtaining control of the machinery of Government had been. In 1812 the Prince Regent appointed a Private Secretary. It was, in fact, discovered that Parliament had appropriated to other uses an official necessary to the convenience of the Crown, and had left the ruler of the kingdom without any one to write his letters. This had been done, too, so entirely without statutory enactment that there was ground for real uneasiness at the new appointment. The Secretaries of State had been gradually brought to acknowledge the authority of Parliament, but they remained the King's Secretaries in theory, and if a new Secretary was to be appointed, how could the Commons be sure that irresponsibility would not again creep in ? The new office looked rather like a return to difficulties of the Middle Ages, when restrictions on the Great Seal were evaded by the invention of the Privy Seal, and restrictions on that by the use of the Signet.

A debate was raised in Parliament on the announcement of the appointment of Colonel M'Mahon to be the Regent's Private Secretary, and a motion made for the production of the documents of appointment. The speeches on both sides are interesting—those criticising the “new office” because they show how little the theory of the Secretaryship had been altered; those on the Government side because they show how fundamentally the practice of it had altered—so fundamentally that actual holders of State offices could no longer conceive of a parallel between their situation and that of a Private Secretary. Mr. Wynn, who moved for the papers, maintained that the Home Secretary was the King's private Secretary, and it was his duty to wait on the King. Mr. Elliot said he could understand a fourth Secretary of State, if one were considered necessary, but what was this new office? Mr. Ponsonby remarked that a permanent confidential post of this sort, involving communications between the King and his Ministers, must ultimately be brought under Parliamentary control; Mr. Tierney denied that there could be anything “private” in such an appointment. Most interesting of all, perhaps, as showing how unanalysed the alterations in the Secretary's status had been, was the speech of Lord Folkestone. He related how he had seen in Russia, in the time of the Emperor Paul, a “person of low extraction,” who, becoming a Privy Councillor and Private Secretary to the monarch, had been enabled, by his proximity to the Throne, to “destroy the influence of Ministers who were responsible to no Parliament, overcome a proud nobility, and turn them all out of their places.” Substitute the Lords of the Council for “Ministers



responsible to no Parliament," and you have a very fair description of what had happened—not indeed in one man's lifetime, but over several centuries—in Lord Folkestone's own country; but he seemed to have no idea of the analogy.

On the Government side it was replied, first by Lord Castlereagh, that "Colonel M'Mahon was incapable of receiving His Royal Highness's commands in the constitutional sense of the words, or of carrying them into effect"; and secondly by the Chancellor of the Exchequer (Spencer Perceval), that "Colonel M'Mahon was incompetent to communicate the pleasure of the Prince Regent in any way that would authorise any subject in the land to attend to it, or to act upon it with official responsibility."<sup>1</sup> What these two speakers meant by such dogmatic statements was best known to themselves. There was nothing to prevent the new Private Secretary being entrusted with a Signet; nor was there any statutory limitation of the number or qualifications of Secretaries who might countersign the Royal Sign Manual.

The motion was rejected, and the matter was never raised again. For although technically there was no real answer to the uneasiness of the Commons, there was this practical answer—that the Crown was unlikely to put the new official into a position in which he would have to be appropriated in self-defence by the Commons, as the other Secretaries had been, and again leave the Sovereign with no one to write his letters.

<sup>1</sup> Cobbett, *Parliamentary Debates*, xxii. 332-63.

### Double Impulse towards Reform

Before long the status of the service of government was to be so deeply altered that the real possibilities of such a situation as this could hardly have emerged again. Reluctant as the Commons undoubtedly were to undertake responsibility for the public service, they had been embarked by the Burke reforms upon a course which obliged them to shoulder it in the end. The first step in this process may be discerned in the Return of Public Income and Expenditure for the year 1802.<sup>1</sup> In it, besides the various headings which had been customary since those reforms, appears a new one—"Miscellaneous Civil Services out of Supplies"—and under this head are grouped the following items:—

1. Public Works and Buildings.
2. Salaries, etc., of Public Departments.
3. Law and Justice.
4. Education, Science, and Art.
5. Colonial, Consular, and Foreign Services.

The change suggested by the second of these items was not so great as it may seem to be at first sight. It did not mean that the salaries of the staff of public departments were at the disposal of the House of Commons in any new way. It merely meant that instead of charging the Consolidated Fund with increased sums for the Civil Service, the supplementary demands for each year were to be placed on Supply—were, in other words, to be strictly in accordance with

<sup>1</sup> See *Return on Public Income*, 1868-9.

each year's needs, and not a permanent charge. This is proved not only by the fact that the old item of " Fees and Salaries " remained at its usual figure, but that the sums voted under the new head varied so extraordinarily during the next twenty years. In 1802 it was £42,740 ; in other years (to take a few specimens at random) it was £32,000, £3000, £40,000, £9000, £25,000, £13,000, £16,000, £59,000, £30,000.

But while this change of 1802 did not affect the main source of income of the Civil Service, it is important as inaugurating the placing of money for such purposes on Supply. Hitherto no one had ever supposed that money could be provided year by year for Civil Government. Regarded always as one of the functions of the Crown, Civil Government was supported in the same way as all the other functions of the Crown. Since the Restoration the custom had always been to vote the King a certain annual sum for his lifetime, to maintain the dignity of his Court and to carry on the Government of his realm. The procedure was that which is still adopted at the beginning of a new reign, in the voting of the Civil List ; the difference was that, until the middle of the nineteenth century, the Crown was supposed to govern, as well as to meet its Household expenses, out of the sum provided. The sum voted was no more subject to subsequent discussion than the Civil List is to-day. Once voted it had to be found annually out of the taxes specifically allotted for the purpose, or, after the invention by Pitt in 1787 of the Consolidated Fund, out of that fund. Obviously, either the enlargement of the sum or its diminution would be a serious matter, because such a change would not affect a single year, but would have to be as permanent as the original vote. Increases

were, in fact, seldom granted. Insufficiency of the Civil List was met by the clumsy expedient of allowing debt to accumulate in the salary list, and then voting a lump sum to pay it off ; this avoided enlargement of the permanent burden on the taxes. It will be seen, therefore, that the placing of supplementary provision for salaries upon Supply was a step that opened up wholly new possibilities. For the moment its importance was that additional money could be found as required ; and debt need not arise. Later on it had more far-reaching importance. Year by year the amounts thus laid upon Supply tended to increase. The result was that the House of Commons grew accustomed to voting annually considerable sums for Civil Government ; and when the time came for the final step the idea of removing the Civil Service entirely from the Consolidated Fund, and placing it on Supply with annual estimates, appeared in no way subversive or difficult to accept.

The persistent need for money, and the necessary corollary of that in an increasing tendency on the part of the Commons to demand details of the way in which the money was spent, were thus a principal cause of the Civil Service becoming a body of persons directly employed by—since directly paid by—Parliament. But another cause too was at work. Legislation was taking fresh directions under the combined impulse of a new concern for the common welfare and a new facility of communication between different parts of the country, which tended to allow of a greater centralisation of control. Fresh duties thus accrued to be discharged, and the capacity of the departments to meet them became matter for inquiry. Between 1820 and 1835 such inquiry was constantly going on,

and there was a series of Returns setting forth the number of persons employed and the salaries paid in public offices. A very elaborate Return was made in 1821, comprising all the departments except the Ordnance Office, which for some reason made no return. Three more full Returns of the numbers employed were made in 1830, 1831, and 1833. There were also Returns on particular departments, like that on the Home Office in 1822, and one on the Post Office in the same year.

### The Service and the Fee System

We may continue to pursue first the reform in the method of providing money, since that was the more fundamental change. When we consider the apparent slowness of the Commons to take in hand the payment of the Civil Service, we must remember that it was not at that time the straightforward matter which it is to-day. We have seen that, from a very early stage in the history of the Service, men employed in it were not, as a rule, paid regular salaries. They were either allowed to support themselves by a system of fees, or they were given places of profit which might have nothing to do with their work.<sup>1</sup> We have also seen how the fee system allowed for extensions of the departments which would have been impossible, or, at any rate, long delayed, if they had involved increasing salary charges on the Civil List.<sup>2</sup> Thus from necessity, and to some extent (paradoxical though it

<sup>1</sup> See p. 16.

<sup>2</sup> See p. 97.



may sound) from considerations of public convenience, the Civil Service had become in a measure self-supporting. The fee system was regarded as the main source of income. In giving evidence before the Select Committee of 1847-8, a former official of the Treasury stated that the Civil List payments were designed "to make up the deficiencies of the fee funds of the three Secretaries of State."<sup>1</sup> So complete was the system that there were four or five banks in London which were considered the banks of the Public Offices "by arrangement with the Treasury"; and the custom was for the Chief Clerks to keep Fee Accounts there, out of which they made payments "to meet the expenses of the office."<sup>2</sup> Even the heads of departments derived considerable portions of their income from fees. In the late eighteenth century the Foreign Secretary was reckoned to take £2000 in fees; the Lord President had £2280; the Home Secretary had so large a sum that he was accustomed to return £1500 out of it to increase the clerks' salaries in his office.<sup>3</sup>

There were thus three sources of income for the Civil Service—the fee fund, the Civil List (paying some salaries outright, and making up others which obtained an inadequate share of fees), and now the "Miscellaneous Estimates out of Supplies," making up the deficiencies of the Civil List. It is no wonder that the Commons should be slow to perceive in the last of these three—the sole source of income of the Civil Service to-day—the method which ought to be developed

<sup>1</sup> Select Committee on Miscellaneous Expenditure, 1847-8: *Minutes of Evidence*, p. 9. This accounts for the form of the heading in the Public Accounts—"Fees and Salaries."

<sup>2</sup> *Ibid.*, p. 153.

<sup>3</sup> See Report of Sel. Comm. on Reduction of Salaries, 1831.

to the exclusion of the others. Nor is it any wonder that with the old system in stable operation there should have been some inclination to transfer the theory that "the King should live of his own" to the Civil Service, and to think that the solution of the difficulty of maintaining the Civil Government was to be found in a better organisation of the fee system. In the Returns with which we now have to deal there are signs of this inclination.

The first Return is that of 1821, and it is confined to those employed at a salary of over £200 a year. The object, that is to say, was rather to cast some light upon the salary list than to investigate the efficiency of the officials. The Return gives the details for 1793 side by side with those for 1821, and in almost every case two striking features are to be noticed. The first is that the remunerations in 1793 are usually in odd sums, and in 1821 usually in round figures. The second is that in very many cases there is an apparently large advance of remuneration. The two points are probably susceptible of the same explanation. The fee system had, as we have suggested, become more carefully organised. The process is put into words in the statement made by the Privy Council Office for this Return ; where it is remarked that formerly fees added anything from £1000 to £2000 to the nominal salaries of the clerks, but that since 1808 the fees had been placed to a general fund from which salaries were paid at a fixed rate, the surplus, if any, being carried to the Consolidated Fund. This movement towards a fixed rate of salary would account for both the points to be noticed in the Return ; it would obviously produce round figures rather than odd sums ; and it would explain the apparent advance of salaries, since the new

figures would represent the whole sum received, which the old figures, in days of more casual division of the fees, did not.

Even if we are at present on the track rather of reform by systematising the fees than reform by altering the source of income, yet this Return shows how the way was unconsciously being prepared for the taking over of the departments by Parliament. It would have been almost impossible to change the whole method of payment until there was some means of arriving at a knowledge of the real salaries enjoyed. The new system of dealing with the fees produced statements of income making the way easy for Estimates in later years. At the same time it brought sinecures within range of attack, which they could hardly have been while fees were treated (according to the frank statement in the Admiralty section of the 1821 Return) as "the private property of the Secretaries and clerks."

One other point to be noted in this Return is that the last remnants of the old system of paying an official a lump sum, out of which he had to provide for his own establishment of clerks, had disappeared. It survived in the Adjutant-General's office, for instance, down to 1799, but from that date onward the Adjutant-General's staff of clerks was provided for by the sum for which the Secretary at War estimated each year. As the Adjutant-General himself remarks in the return, the old system led to the employment of military officers or non-commissioned officers, since, being in receipt of army pay, they could be got cheaply; the new system led to the employment of civilians.

### Steady Reductions of Numbers

The Return of 1832 has the interest of being the last full Return before the modern system of providing for the whole Civil Service by estimates laid in detail before Parliament began. Throughout these Returns there is a constant indication of demands for reductions. The staffs of public departments had risen considerably between 1797 and 1815; the number of persons had increased from 16,267 to 24,598, and the salaries paid from £1,374,561 to £3,202,439. What the Commons had to do, if they could, was to find out how much of this increase was necessary; and by pressure upon the Lords of the Treasury they had succeeded by 1832 in arriving at what was evidently the needful staff; for the Returns show but little change in the later years of the period. Some early reductions had been followed by renewed increases, but the only serious ones had been in the Customs department. The reason for them there is pretty clear. After 1827, when the number of persons employed had been reduced to 22,912, the reductions are only by a few hundreds, until in 1832 the figure reached is 21,305, with a salary list of £2,819,622. This may roughly be taken as the Civil Service of which Parliament was now to make itself the master. A minor detail of some interest is that in the shape of the Return there is a sign of administrative reforms tending to greater efficiency in the combination of certain departments hitherto separate but dealing in reality with one branch of affairs. The various naval departments



are put together under the head of the Admiralty, and two of the military departments under that of the War Office. The former of these two groupings represents a real change already legalised. In 1832 an Act was passed by which the Navy Office and Victualling Office ceased to be distinct departments, and became sub-divisions of the Admiralty, each being more or less assigned to one of the Lords of the Admiralty. Thus the general policy of the Navy, the construction and maintenance of ships, the pay, clothing, and feeding of the men, were at length controlled from a single office by a single Board, of which the head was a Minister responsible to Parliament. Only one naval concern remained outside this arrangement—the provision of guns for the fleet. This remained in the hands of the Ordnance Office, the idea presumably being that as that office must continue to exist for the Army, it would be the reverse of a simplification to make a second ordnance authority in the Admiralty. The curious result of this in our own day is that, since the Ordnance Office has been absorbed in the War Office the cost of making and testing guns for the Navy is on the War Office estimates. Possibly some different arrangement might have been made if the Army administration had been reformed at the same time as that of the Navy. But with the exception of placing the Office for Military Boards, which dealt chiefly with the clothing of the troops, under the War Office, no further change was made at this time. It probably appeared less in need of alteration, since much of its separation, no more practical or justifiable than the separation existing in the naval administration, was rendered less obvious by the fact that the officials responsible for detached duties were not



created for the purpose, but had assumed the duties as coming under the heads of their other duties. The reason may have been that, owing to the distrust and suspicion with which the growth of a standing army had had to contend, the authorities felt it wise to call as little attention as possible to that growth, and therefore avoided creating departments. Thus the Commissariat business was transacted by the Treasury, and the forces kept on the Home establishment were in the department of the Home Secretary.

### The Civil Service in 1832

The departments on the Return for 1832 are as follows :—

<i>Departments.</i>	<i>Number Employed.</i>
Treasury . . . . .	115
Secretary of State : Home . . . . .	30
"    "    Foreign . . . . .	39
"    "    Colonies . . . . .	33
Privy Council Office . . . . .	17
"    for Trade . . . . .	25
Audit Office . . . . .	95
Admiralty . . . . .	723
Ordnance Office . . . . .	824
Customs Office . . . . .	9459
Excise Office . . . . .	6377
Stamps Office . . . . .	458
Taxes Office . . . . .	275
Post Office . . . . .	1815
Mint Office . . . . .	30
War Office . . . . .	87
Army Pay Office . . . . .	54
Commander-in-Chief's Office . . . . .	26

<i>Departments.</i>	<i>Number Employed.</i>
Quartermaster-General's Office . . .	24
Adjutant-General's Office . . .	28
Judge Advocate General's Office . . .	7
Army Medical Board . . .	13
Chaplain General's Department . . .	1
Chelsea Hospital . . .	162
Alien Office . . .	8
Stationery Office . . .	36
Register of Colonial Slaves Office . . .	4
State Paper Office . . .	6
Army Accounts Office . . .	28
National Debt Office . . .	32
Auditor's Office, Exchequer . . .	20
Teller of the Exchequer . . .	6
" " . . .	6
" " . . .	6
" " . . .	6
Clerk of the Pells Office . . .	13
Exchequer Bill Office . . .	11
Auditors Land Revenue Office . . .	11
Barons of Exchequer, Scotland . . .	34
Woods and Forests Office . . .	91

There were in addition nineteen departments in Ireland, but with the exception of the Chief Secretary's, the Privy Council, and Privy Seal Offices, they were mostly military departments.

This Return was speedily followed by an important and long overdue reform. The Exchequer accounted for no fewer than ten separate departments on this list—the offices of the Auditor, the National Debt, the four Tellers, the Clerk of the Pells, the Exchequer Bills, the Auditors of the Land Revenue, and the Barons of the Exchequer in Scotland. Yet with all this the continued existence of the Exchequer was no more than a habit of government, and it had become a bad habit. The real knowledge of finance, of the taxable capacity of the country, and of the currents

of expenditure, had passed to the Treasury. The Exchequer was nominally the office of receipt, of account, and of payment. In no one of these directions was its action either complete or efficient. With the development of the banking system it would have been absurd to accumulate treasure in a Government department. The revenue business was already largely done by banks, and a considerable source of the Civil Service income, the Fee Fund, never went into the Exchequer at all. In regard to its accountant duties the Exchequer was even more ridiculous. Three different stages of reform were all in existence at once, and all of them were inefficient. The Tellers dated from the days when the striking of wooden tallies was the only form of checking accounts; the Clerk of the Pells from days when the parchment rolls began to be kept in a form which rendered their preservation a further check upon receipts. Both these forms of audit were at their best mechanical; they involved no real revision of what had been going on in financial matters. They lent themselves therefore easily to the support of sinecurists; the Tellers and the Clerk of the Pells had for a long time past been men of family and influence, and the work of their offices had been little more than to calculate the percentage of fees due to these distinguished placemen. In 1780 an Audit Office had been established, with the intention that it should do the real work of accounting; it had fallen under the prevailing spell and become another source of fees milking the revenue. The third nominal duty of the Exchequer—that of making payments—had become unimportant. The Army and the Navy both had their separate Pay Offices, the Civil Service drew but a portion of its

income from the Exchequer, and as for other payments the system of Treasury Warrants had become so exact that a department to attend to them after they were made out was quite unnecessary.

In 1834 the whole Exchequer establishment was swept away without difficulty. The Bank of England was made the office of receipt of the revenue. An Auditor and Comptroller-General with an efficient staff took over the business of account. A Paymaster of the Civil Service was appointed, to be merged two years later, with the Army and Navy Pay Offices, in the office of the Paymaster-General, who attends to the payment of salaries in all departments.

### The New Conception of Government

We may now turn to the other line along which the impulse for reform was acting — namely, the creation of new public duties and the centralising of control.

The appointment of a third Secretary of State in 1794, and the new apportionment of duties between the two others, whereby one became specifically Secretary for Home Affairs, were perhaps the first indications of an increasing concern for the internal well-being of the country. A Home Secretary, it must have been presumed, was likely to have enough to do, in dealing with the administration of justice, the control of prisons, the Post Office, etc., to occupy a whole department. It is doubtful whether his duties at that time would be considered full work for a department

now. In 1816, indeed, after the Home Secretary had been relieved of some of his duties by the appointment of a Private Secretary to the Prince Regent, the question was raised whether the remaining duties were enough to justify the existence of a Secretary of State.<sup>1</sup> But already social reforms were under way which rendered such a question unpractical. The first Factory Act, concerning the health of children in cotton mills, had been passed in 1802 ; and in the next thirty years Committee after Committee inquired into factory conditions. As the sense of responsibility in such matters increased, it became necessary to bring departmental administration to bear, and the Home Office was obviously the department to exercise control. In 1829 the police system was set on foot ; and although in general the control of the police forces was given to local authorities, the Metropolitan Force fell to the Home Secretary's governance ; and in any case his responsibility for the justices and municipalities made him in some measure concerned for the whole police force of the country. Reports had to be made annually to him, as they are at this day. In 1835 the Municipal Corporations Act reformed all the principal municipal authorities of the kingdom, and again duties were added to the Home Office, the Secretary of State being required to give his sanction to bye-laws. The Factory Act of the same year founded the immense system of inspection which remains one of the principal duties of the Home Office.

So rapid was the development of all kinds of national activity that, far from being superfluous, the Home Office soon became insufficient to cope with the work that was perpetually arising. When gas had come

<sup>1</sup> *Hansard*, First Series, xxxiii. 893.



into common use, and towns were all setting up water supplies ; when the advance of steam and machinery was giving an immense impulse to trade, and joint-stock companies were being constantly formed ; when the carriage of coal for the factories was bringing the canals to the zenith of their prosperity—it was inevitable that Parliament should decide to exercise some control over all these developments. Such matters, especially, as the supply of gas and water and transport facilities could not be left to unregulated monopoly. They must have developed with such speed that it was impossible to think of handing them over to the Home Secretary ; and, as it happened, another authority was in existence which might be empowered to deal with them—the Board of Trade. Nothing could show more clearly how far reform had already gone than the erection of the Board of Trade in a shape to deal with new responsibilities. There was no question of paying more officials than were absolutely necessary, and not the least hint of sinecure salaried Commissioners, who had been the ruin of the old Board.<sup>1</sup> An Act of Parliament in 1826 provided that it should be lawful for the Sovereign by warrant under the Sign Manual, countersigned by a Lord of the Treasury, to pay to the President of the Committee of Council for Trade and Plantations a sum not exceeding £2000 a year. In this simple way an office which had hitherto been little more than an advisory body became a full-sized department under a responsible head. The staff was increased, so that the salary list of the office, which had been but £3928 in 1797, was nearly £10,000 in 1832. Duties came upon the new department from the improved conception of the national welfare as thickly as they came

<sup>1</sup> See p. 93.

upon the Home Office. Besides the subjects mentioned the Board of Trade was placed in control of new procedure in bankruptcy, of the granting of patents, and the keeping of the standards of weights and measures ; and in control also of the harbours of the kingdom. In 1840 the progress of railways had created a new monopoly power calling for control, and the Board of Trade was given fresh authority, to be enlarged still further in 1850 and the years immediately following, when the concern for human welfare in factories turned to the case of seamen and shipping, and laid upon the Board responsibilities in connection with the measuring and registry of ships, the qualifications of masters and mates, competent manning of vessels, and the safety of passengers and crews.

The Board of Trade had taken working shape just in time to serve as the model of other departments which the stirring of the public conscience rendered necessary. The Poor Law Amendment Act of 1834 required central superintendence of the new local authorities which it set up. At first a body of Commissioners were appointed ; but in 1847 a Poor Law Board with a President and a Parliamentary Secretary was created. Similarly, in 1848 the Public Health Act, setting up another network of local duties in connection with matters of drainage, water supply, prevention of nuisances, etc., created a Public Health Board.

The essence of the difference between the old advisory character of the Board of Trade and its new executive character, copied in these later Boards, was the establishment of a paid President. A Committee of the Privy Council, strictly constituted, must be under the control of the Lord President of the Council ; and, since

he has no executive functions, the decisions of such a body could only issue in action by a Secretary of State or by the Treasury. The creation of a paid President permitted of the attachment to his office by statute of power to make Orders and Regulations. But it should be noted that, before this step was taken, an attempt had been made to give more value and responsibility to the old advisory work of the Committee by attaching a salary to the office of Vice-President; this had been done in 1817.<sup>1</sup> That precedent was followed when, in 1834, the affairs of Elementary Education were first taken more seriously in hand. The system of elementary education was still, at this date, mainly unofficial; it was organised by voluntary societies, and (as we have seen) the share of the government had been limited to a very clumsy and vaguely limited provision of grants of public money. Something had to be done to assist the work of the Treasury, both by justifying the grants (on which there had been only the most primitive checks) and by securing some means of estimating the requirements to be made of the Treasury. Obviously, however, this kind of work could be reconciled with the functions of the older kind of Committee of Council, being essentially advisory. Therefore, when such a Committee was appointed in 1834, it was not modelled on the new Board of Trade, but followed the line of the Act of 1817, the Lord President being the head of the office, with a paid Vice-President.

It would be impossible to exaggerate the extent of the change involved in the steps thus briefly sum-

<sup>1</sup> 57 George III. c. 66. The Vice-President, with a salary of £2000, was changed in 1867 (by 30 and 31 Victoria, c. 72) into a Parliamentary Secretary with a salary of £1500.

marised. It was in essence a change from negative to positive legislation on behalf of the community, and that means a change from control of the public welfare to control by the public welfare. Take any of the old statutes on domestic affairs, from the early laws against engrossing and forestalling to the Bubble Act of 1720 ; the common characteristic of them is repression. The same might even be said of the Elizabethan Statute of Labourers ; positive though it sounds, its real nature is the checking of the labour market. In other words, older legislation was confined to giving such directions as could be carried out by the officials of the King's justice, and necessarily so confined. The official world was not at the disposal of any other person. Distinctions could not be drawn between the good and the evil of any development of activity which had proved capable of evil. Dealings in gross tended to a command of prices, therefore all such commercial energy must be forbidden. Joint-stock trading for merchant enterprises proved to have drawn capital, in the case of the South Sea Bubble, to a degree over which individuals could not be trusted to have control ; therefore all joint-stock companies must be prohibited. This was the sense of official government ; it was not the sense of the community. Dealing in gross grew up in spite of law ; joint-stock companies continued in the same way to exist, without waiting for the repeal in 1825 of the Bubble Act. In the onrush of commercial, humanitarian, and municipal legislation during the first half of the nineteenth century, the sense of the community was substituted for the sense of official government. Parliament became not the voice only, but the hand of the community. Probably in that rush of legislation it hardly realised



what it was doing, any more than it had realised the change of the century before, when it brought officials into responsibility to itself. But in truth it had entirely abandoned its old position of detachment from administration. It had called into existence new departments, and made them virtually independent of the Secretaries of State, if not quite co-ordinate with them. It had assigned duties, given powers, undertaken payments.

### The Final Change of Control

It has been necessary to dwell upon this point, because the result was that at the next stage a step of great importance was taken, as has often happened in our constitutional history, without any discussion of principle. The habit of administration preceded the formal undertaking of it ; and this habit had grown up as unconsciously as the habit of expecting Ministers to account for their actions in Parliament had grown up. Hardly a word of debate accompanied the ultimate changes in the control of the public services, which took place in 1848 and 1855. The former was a change in the method of providing money for the Civil Service, the latter a change in the method of making appointments to the service.

The reform of 1848 was quietly effected, being the logical conclusion of a gradual process. We have seen the appearance of certain " Miscellaneous Estimates " out of Supply for the Civil Service, and have also seen



that they were merely supplementary payments. The main bulk of the cost of the service came out of fees and the Consolidated Fund, and was therefore not subject to debate at all.<sup>1</sup> The Estimates, such as they were, did not correspond to what we now understand by that term. The Treasury collected estimates from each department, but did not send them on *in detail* to the House of Commons, nor were they printed.<sup>2</sup> As the cost of the service increased, more and more permanent charges came on to these Miscellaneous Estimates; and certain changes in classification were introduced in 1824, 1837, and 1843.<sup>3</sup> At last, in 1847, a Select Committee was appointed, which commented adversely on the combination of permanent expenses with temporary and casual ones under the head of "Miscellaneous Estimates," and recommended that "for the future the votes for Civil Establishments at home and abroad . . . be arranged under the head of Civil Estimates and presented separately to the House."

The change was accomplished in 1849, and the Votes in the House of Commons took the shape they bear to-day. But the first debate of anything like the modern kind on departmental affairs may be dated a year earlier. In 1848, the great year of convulsion on the Continent of Europe, Disraeli took the opportunity of a vote of £57,500 "to complete the amount required for salaries and expenses at the Foreign Office," to call attention to the action of the Foreign Secretary in regard to Italy.<sup>4</sup>

<sup>1</sup> See evidence of Sir A. Spearman, of the Treasury, before the Select Committee on Miscellaneous Expenditure, 1847-8: *Minutes of Evidence*, p. 4.

<sup>2</sup> Sel. Comm. Misc. Exp.: *Minutes of Evidence*, p. 7.

<sup>3</sup> *Ibid.*, pp. 5, 7, 9.

<sup>4</sup> *Hansard*, Third Series, ci. 147.

From this time forward each department could be discussed separately, and any item could be struck off the estimates separately or reduced. The old close corporation had ceased to exist. One minor result of the change, which has been little noticed, may be mentioned here. Letters Patent became unnecessary for most of the posts to which appointments had usually been made by that means. The value of the Letters Patent consisted not so much in the claim they constituted to the occupation of a post, as in their being a warrant for the payment of salary by the Exchequer. Of course, they had a value in the first respect ; but for long now the service had been so settled that no man once appointed had any difficulty in holding his office for life. The true value of the Patent lay in the title to take certain emoluments from the Exchequer or to enjoy certain fees. Patents had not been issued for the vast number of subordinate posts which had arisen as the service developed. Clerkships originally paid out of the lump sums allotted to high officials had from time to time been placed on the Exchequer Money Book by arrangement with the Lords of the Treasury. But posts of rather more profit, like the Secretaryship to the Navy Office and other offices, had been given by Patent ; and it had become customary for the Secretaries of State to receive Patents. In their case the object would certainly be to secure payments. As we have seen, the only necessary act for the purpose of establishing their authority, was the delivery of the Signet.<sup>1</sup> A Patent had been given to the second Secretary while only one Signet was in existence, and afterwards a custom grew up of giving a Patent as well as the Signet. From the time when salaries were

<sup>1</sup> See p. 31.

paid by the Estimates, and became a matter of course, the Patent ceased to have value, and though it was as a rule issued for a short time longer it was seen to be quite unnecessary in the case of Lord John Russell, who, being appointed Foreign Secretary in 1852, and not expecting to hold office for long, did not take out a Patent on account of the expense of the process, which involved sealing fees. Other Ministers showed a disposition to avoid the expense, and since 1868 Patents for the office of Secretary of State have never been issued.<sup>1</sup>

### The Reform of the Staff

The reform of 1855 was not quite such a simple process as that of 1837. Although salaries were now paid by Parliament, nothing had been done to alter the constitution of the staff. It was inevitable that, once the Civil Service had become a body of public officials, there should be a disposition to insist upon the appointments to the Service being of a more public character. A number of Committees were engaged between 1848 and 1854 in investigating the conditions of appointment and the general state of the Service. They found a good many remnants of the comfortable old system still existing. In the Treasury there was a kind of examination of candidates before appointment, and a year's probation before the appointment was confirmed; in certain other offices there was some examination, but no probation; in others, such as the Colonial Office,

<sup>1</sup> Anson, II. i. 168, note.

probation but no examination.<sup>1</sup> Even where the examination was enforced, it was only an examination under the direction of the heads of the department, and the Commission plainly had the impression that it was a very perfunctory affair. In some cases appointments were given by proxy to youths who had not finished their education. The setting up of the permanent Civil Service Commission, to hold in future combined examinations for the various departments and to make appointments on the results, immediately followed the report of this inquiry. This reform had the force of being recommended, not merely on the general grounds of the impropriety of the old methods, but on the very sensible ground also that those methods worked necessarily on too narrow a field of supply of candidates. A youth must be brought to the notice of the heads of the departments before they could consider his fitness for a post. The removal of favouritism was only a secondary effect of the new arrangement; the more important effect was that it cast a wider net over the nation's resources of intelligence and capability.

### Exposure of the Old Conditions

The condition of work in the public offices reflected, of course, some of the disadvantages (from the point of view of the national business) of the methods of appointment. Much work was left undone, or ill done, because the Service proper was jealously confined to

<sup>1</sup> See Reports of Committees of Inquiry into Public Offices, 1854.

the upper grades, and the lower grades were occupied for the most part by writers and copyists who were not allowed to regard their appointments as permanent. Again, the bad old system left its mark in the attitude of the highest rank of permanent officials. When sinecures were rampant, the natural tendency of those who could not actually obtain a sinecure was to approach as near to one as possible. Thus the Committees of Inquiry found the chief officials—the Permanent Secretaries and Principal Clerks—extraordinarily detached from the rest of the staff, and leading an existence that often had little to do with the work of their departments. In the Treasury the clerks in the highest posts were frequently directors of insurance companies, banks, and commercial companies, and absented themselves during office hours to attend board meetings. Or again, in the Colonial Office, the Chief Clerkship was frankly regarded as a situation of “honour, emolument, and comparative repose,” and therefore suitable as a kind of pension for past services.

Other defects in the Service arose from various causes. One was undoubtedly that, so long as the Commons (not without good reason) looked upon the cost of government as largely a field of corruption, no proper request for extensions could be preferred. Thus departments of old standing were always being saddled with new duties, and became more and more inadequate to deal with the increase of work. The Treasury was in the worse case. Not only was it dealing with odd pieces of other departments’ work (like the army commissariat) but, as municipal government took its more active shape after the Act of 1835, and again as the Government had been forced to recognise and assist



private efforts in elementary education, the Treasury found masses of new correspondence falling upon it. The list of subjects within its competence which the Treasury handed in to the Committee comprises every department of government ; and though in many cases the work probably amounted to little more than drawing up warrants or money letters, as the final stage of business transacted elsewhere, in other cases, such as those already mentioned, and also matters of public health and the poor law, the Treasury was doing the bulk of the work of newly constituted, and ill-staffed, Boards. The War departments, the Admiralty, and the offices of the Secretaries of State seem to have offered small surface for comment to the Committees ; they had been working long enough and responsibly enough to require no more than a new mode of entrance for new candidates. The Board of Trade was in a sorrier case. Of late there had been many developments of national life that affected it. Railway legislation, merchant shipping legislation, the rise of joint-stock companies, and a new respect for statistics had all from time to time caused additions to the duties of the Board ; and machinery had been added for dealing with each separate subject. Progress had apparently been too fast to allow of co-ordination of these accretions, and there was no security against a correspondence on the same subject being carried on by two sections of the office at once. Education had been so half-heartedly taken up by the authorities that the Committee of Council, which had been appointed in 1839, had no idea of duties beyond allotting grants to those who complied with certain conditions ; and part of the duty of the overburdened Treasury consisted in sending out separate money

orders to every one of some 2200 teachers and 6180 pupil teachers.

Other minor offices were passed by without much comment. The Poor Law Board and the Board of Health had grown up in consequence of recent legislation; and local government as yet meant so little that there was no reason why anyone should perceive the possibility of combining such departments as these into one larger office. Such correspondence of the time as can be said to concern local government — correspondence with municipalities, county treasurers, quarter sessions, clerks of the peace, and police authorities—was carried on by the Treasury.

Circumstances outside the work of these Committees brought about just now a combination of the detached departments of Army administration. The Crimean War had exposed grave weaknesses in the administrative system. After the naval departments had been united there was a natural inclination to ask why the piecemeal growth of the system should be perpetuated in the Army. Yet (perhaps because of the strong objections that had been raised earlier to a similar inclination) the first step was rather one of re-organisation than combination. It seems to have been thought that, if one person were made responsible for all the subdivisions of the civil administration of the army, the desired end might be attained. Consequently, instead of a downright transfer such as had taken place in naval administration,<sup>1</sup> a fourth

<sup>1</sup> It may be worth pointing out that the Admiralty was a Board, and the duties of different departments could be assigned to different members of it. A combination of departments under a new Secretary may have seemed less easy to effect.

Secretary of State was appointed, to answer for, and to control, all the military departments. In effect, the Secretary at War, who, as such, was co-ordinate with the heads of the Ordnance Office and other departments, was translated to a grade from which he could command them. The first holders of the new office were at once Secretaries of State for War and Secretaries at War, until the latter post was abolished in 1863. But actual combination had to be faced. Before the end of 1854 the Commissariat was transferred to the new department, early in 1855 the Home Office handed over its authority in the matter of the troops on the Home establishment, and in May 1855 the greatest change of all was effected by investing the new Secretary with all the powers of the Ordnance Office. When in 1856 he also assumed the duties of the Military Boards the combination was accomplished. But in one important respect it still differed from the administration of the Navy. There remained the conjoint authority of the Commander-in-Chief. The Admiralty, having represented the Lord High Admiral before it assumed control of the other departments, was a complete whole ; the War Office had to see matters of promotion and details of organisation continuing in other hands.

### The Building of the Government Offices

One of the points that confronted the Committees of Inquiry into the public offices was that a good deal of inefficiency could be traced to the very un-

satisfactory conditions of the various office premises. We have seen the nature of the first expansion of the departments beyond the actual limits of the Palace which technically housed these sections of the King's servants.<sup>1</sup> While there had been so much concern on the part of the Commons as to salaries, numbers, and perquisites, there had been no new idea as to the premises in which the work was done. The only way to house the growing staffs had been to buy or rent more houses in the streets in which the departments had settled themselves. If it seems at first difficult to picture this state of things, we have only to remember that it lasted in some cases to our own day. Not many years ago the War Office consisted of a number of houses in Pall Mall, and the Board of Agriculture had several houses in Whitehall Gardens; while at the present moment the Board of Trade does its work in various houses not even contiguous. The departments which had been well housed in the eighteenth century remained for long the only ones so treated. The Admiralty, the Treasury, and the Horse Guards were the sole public offices of note when the general reform of the Civil Service reached at last the consideration of housing the staff. When a Select Committee was appointed in 1855 to inquire into the state of affairs, it was natural that the Committee should consider building near the ground where these offices had accommodated themselves. They had originally placed themselves there because the ground was within the Palace precincts, but under the new conditions the nearness of the locality to the Houses of Parliament made good reason for sticking to the spot.

<sup>1</sup> See p. 83.



At that date all the space between the end of the Treasury building and Parliament Square north and south, and between St. James's Park and Whitehall (and Parliament Street), west and east, was a network of small streets and courts. Between Downing Street and Charles Street lay Fludyer Street, Says Alley, Upper and Lower Crown Street; and this was the ground upon which the Committee proposed to set to work. They found the Foreign Office, the Home Office, the Colonial Office, and the Board of Control for India all clustered in Downing Street, Downing Square (a kind of enlargement of Downing Street at the Park end, the shape of which is still traceable), and the north side of Fludyer Street. The Foreign Office, for instance, occupied six houses here and the Colonial Office two. The inconvenience was extreme; rooms were on all kinds of levels; copyists had to work in cellars; people calling on business had to wait about in passages. But the houses were worse than inconvenient; they were unsafe. Doors had been so frequently cut through from house to house, in order to unite the offices, that the structures had been made quite insecure; no accumulation of official papers could be kept, because the floors could not be trusted, and about ten years before the date of the inquiry the workmen had had to be employed night and day shoring up the building in which Cabinet Councils were held, to prevent an immediate collapse.

The plan most favoured at this time was one which proposed to build a quadrangle round Downing Street and Downing Square. The Treasury building was already in existence to form one corner. As you entered the quadrangle by Downing Street, you



would have had on the left hand, forming the corresponding corner, the Colonial Office, beyond that the Foreign Office reaching to the Park. Facing you at the far side of the quadrangle was to have been a suite of Ministerial Reception-Rooms; in the right-hand corner next to these rooms, a new War Office; and the houses of the Chancellor of the Exchequer and the First Lord of the Treasury, joining the War Office to the Treasury Building, would have completed the quadrangle. The Home Office was to be housed in the Treasury Building, which would be enlarged in the construction of the quadrangle. Other plans were proposed, some of them dealing with the other side of Whitehall, and suggesting a grouping of Government Offices on the site where the present War Office stands. For some time the scheme hung fire, and meanwhile new departments were arising.

### **New Departments**

When the East India Company's possessions and rights were vested in the Crown in 1858, there was an Act of Parliament laying the administration of them upon one of the Secretaries of State, it being left to the Queen to decide whether there should be a new Secretary. The Queen appointed a fifth Secretary; and the India Office grew up out of the old Board of Control. In 1871 Parliament, taking into consideration the mass of legislation that had been accumulating on matters of public health, the poor law, local government, etc., decided that the

time had come for a single superintending authority, and set up the Local Government Board. Some conception of the need for such an authority as the new Office is given by the list of duties it was to take over. The Poor Law Board had administered the poor law ; the Board of Health, while it existed, had administered some details of the Public Health Acts, and the Secretaries of State some others ; after the abolition of the Board in 1858, the Secretaries of State had attended to the registration of births, deaths, and marriages, to local government, drainage, baths and wash-houses, and labourers' dwellings, and the Privy Council had been the authority in the prevention of disease, and for administering the Vaccination Acts.

Besides the demand of these new Departments for accommodation, there was another Department which, owing to fresh legislation, was in need of more space. The Elementary Education Act of 1870, recognising the duties of the State in a matter which had too long been left to private enterprise, vastly increased the operations of the Committee of Council on Education. Acquaintance with the history of departments might have warned the nation that even now the subject was not being dealt with wholeheartedly. No change was made in the nature of the Board ; it remained a Committee with a paid Vice-President ; and therefore, although its functions might be enlarged, they were not really executive. In other words, it was still to give more attention to seeing how the money granted was spent than to governing the character and systematising the range of national education. The Board was not lifted above an advisory position, however much it may

subsequently have struggled above that. But even so it had become of sufficient importance to demand consideration in the planning of new offices.

Under these modifications the offices, which were by this time in course of construction, took a fresh and more extensive form. What was to have been the south side of the Downing Street quadrangle became the north side of a new quadrangle; this side was still designed to contain the Foreign and Colonial Offices. But the greater extent of the new plan, reaching right down to Charles Street, gave opportunity for housing also the Home Office, the India Office, and the Local Government Board. The Education Office was placed in the Treasury Building, instead of the Home Office. The new offices were opened in 1873, and this distribution of departments lasted for about thirty years. Towards the end of the century the inconvenience of the old War Office, together with the great growth of business in the Education Office and the Local Government Board Office, led to further proposals for building. The last of the old streets between St. James's Park and Parliament Street were swept away, and a new building erected for the Board of Education and the Local Government Board; to be extended later for the inclusion of the Board of Trade. The War Office was put on the other side of the street, nearly opposite the Horse Guards. These two offices were opened, the former in 1908 and the latter in 1906.

### The Youngest Department

One Government department remains to be noticed, and it has a history unlike that of any of the others—the Board of Agriculture. The existence of a Board so named in the end of the eighteenth and beginning of the nineteenth century has led to some confusion, and the confusion is the more widespread because of the fame of Arthur Young's Reports, which were made to this Board, and are one of the main sources of our knowledge of agricultural conditions during the much-debated period of Enclosure Acts. That Board was not a department of Government. It was a society founded in 1793 and incorporated by Royal Charter "for the encouragement of agriculture and internal improvement." It included certain members appointed because of the offices they held, and it received a small grant of money from public funds.<sup>1</sup> The fact that it was not a public department, and that it was never proposed to make it one, is an additional proof of a suggestion made in the Introduction to this book—namely, that Government as a business affecting the daily life of the country in any other way than by taxation, is an invention of the last hundred years. The old Board of Agriculture failed to expend its grant in 1819; and after a few years of attempting to maintain its existence by voluntary subscriptions it was dissolved in 1822. The great decline in agricultural prices in the last

<sup>1</sup> See a paper by Sir Ernest Clarke in the *Journal of the Royal Agricultural Society*, Third Series, vol. ix. (1898).

quarter of last century, and the consequent distress, drew attention to the lack of any Government department to deal with these subjects. But a department for advice and suggestion alone would have been difficult to set up; in the case of the Colonial Land and Emigration Department at the beginning of the century, such offices had been found rather useless. Fortunately the first Small Holdings and Allotments Act, passed in the late 'eighties, offered a subject for administration, and once a nucleus was found there were some scattered duties which might be allotted to a new office. The Board of Trade might be relieved of certain statistics, and also of the administration of Acts relating to fisheries; while there were still remains of the duties of the Tithe and Enclosure Commission relating to redemption of tithe and to copyhold tenure which could appropriately be handed over. The Board of Agriculture and Fisheries was therefore created in 1889, on the model of the other Boards.

Two administrative reforms yet remained to be carried out to complete the homogeneity of the system. In 1899 the Board of Education was put upon the same level as the other Boards; it was placed under a paid President, and a Parliamentary Secretary was substituted for the Vice-President, the department thus acquiring the full status of responsibility to Parliament, with power to make orders and regulations on its own responsibility, instead of having to father its instructions by a fiction upon "My Lords" of the Council. The change was fully in the spirit of the earlier reforms recorded in this chapter. It signalled a determination to make national education a genuine administrative process,



and to make the work of Government in that respect more than a mere laying down of conditions for obtaining grants. It properly ushered in the Education Act of 1900, with the attempt then made to abolish the isolation of Elementary Education, and to link it on to the general machinery of national well-being, centralised, but not resident, in a department.

The other reform took place in 1904 at the War Office. The dual administration, which had long vanished from naval affairs, was in that year removed from military affairs by the abolition of the office of Commander-in-Chief—a step which had been recommended by a Royal Commission in 1890 and more emphatically by the Committee of 1903. Henceforth the Army Council, modelled on the lines of the Board of Admiralty, brought all outstanding affairs of military administration under the single roof of the War Office.

We may therefore conclude with the reflection that we have been able to trace to its completion the reconstruction of a method of government that had by force of circumstances grown up piecemeal, lacking homogeneity; and have arrived at an organisation which, whatever be its future, is at least a systematic and comprehensible whole.

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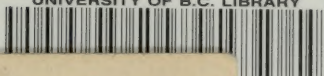
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